THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 17 NUMBER 119

Washington, Wednesday, June 18, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10363

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by title I of the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 9979 [1] of July 20, 1948, No. 9988 [2] of August 20, 1948, No. 10008 [3] of October 18, 1948, No. 10202 [4] of January 12, 1951, and No. 10292 [5] of September 25, 1951, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Section 1604.51 of Part 1604, *Selective Service Officers*, is amended to read as follows:

§ 1604.51 *Areas.* The State Director of Selective Service for each State shall divide his State into local board areas. Normally, no such area should have a population exceeding 100,000. There shall be at least one separate local board area in each county; provided, that an intercounty local board may be established for an area not exceeding five counties within a State when the Director of Selective Service determines, after considering the public interest involved and the recommendation of the Governor, that the establishment of such local board area will result in a more efficient and economical operation.

2. Paragraph (a) of § 1609.51 of Part 1609, *Expenditures Other Than for Personal Services*, is amended to read as follows:

(a) Funds appropriated for the operation and maintenance of the Selective Service System shall be available for payment of actual and reasonable expenses of (1) emergency medical care, including hospitalization of registrants who suffer illness or injury, and (2) the transportation and burial of the remains of registrants who suffer death, while acting under orders issued by or under the authority of the Director of Selective Service, but the expenses of burial, including preparation of the body, shall not exceed $150 in any one case and no expenses arising from the illness, injury, or death of a registrant shall be payable under the provisions of this section when such illness, injury, or death occurs while the registrant is performing civilian work contributing to the maintenance of the national health, safety, or interest which he has been ordered to perform by the local board.

3. Subparagraph (2) of paragraph (b) of § 1622.30 of Part 1622, *Classification Rules and Principles*, is amended to read as follows:

(2) No registrant shall be placed in Class III–A because he has a child which is not yet born unless, prior to the time the local board mails him an order to report for induction, there is filed with the local board the certificate of a licensed physician stating that the child has been conceived, the probable date of its delivery, and the evidence upon which his positive diagnosis of pregnancy is based.

4. Section 1626.25 of Part 1626, *Appeal to Appeal Board*, is amended to read as follows:

§ 1626.25 *Special provisions when appeal involves claim that registrant is a conscientious objector.* (a) If an appeal involves the question whether or not a registrant is entitled to be sustained in his claim that he is a conscientious objector, the appeal board shall take the following action:

(1) If the registrant has claimed, by reason of religious training and belief, to be conscientiously opposed to participation in war in any form and by virtue thereof to be conscientiously opposed to participation in combatant training and service in the armed forces, but not conscientiously opposed to participation in noncombatant training and service in the armed forces, and the local board has classified the registrant in Class I–A–O, the appeal board shall proceed with the classification of the registrant. If, in such a case, the local board has classified the registrant in any class other than Class I–A–O, the appeal board shall transmit the entire file to the United States Attorney for the Fed-

(Continued on p. 5451)

[1] 13 F. R. 4177.
[2] 13 F. R. 4851.
[3] 13 F. R. 6099.
[4] 16 F. R. 381.
[5] 16 F. R. 9843.

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

---

eral judicial district in which the appeal board has jurisdiction for the purpose of securing an advisory recommendation from the Department of Justice.

(2) If the registrant has claimed, by reason of religious training and belief, to be conscientiously opposed to participation in war in any form and by virtue thereof to be conscientiously opposed to participation in both combatant and noncombatant training and service in the armed forces, and the local board has classified the registrant in Class I-O, the appeal board shall proceed with the classification of the registrant. If, in such a case, the local board has classified the registrant in any class other than Class I-O, the appeal board shall transmit the entire file to the United States Attorney for the Federal judicial district in which the appeal board has jurisdiction for the purpose of securing an advisory recommendation from the Department of Justice.

(b) Whenever a registrant's file is forwarded to the United States Attorney in accordance with paragraph (a) of this section, the Department of Justice shall thereupon make an inquiry and hold a hearing on the character and good faith of the conscientious objections of the registrant. The registrant shall be notified of the time and place of such hearing and shall have an opportunity to be heard. If the objections of the registrant are found to be sustained, the Department of Justice shall recommend to the appeal board (1) that if the registrant is inducted into the armed forces, he shall be assigned to noncombatant service, or (2) that if the registrant is found to be conscientiously opposed to participation in such noncombatant service, he shall in lieu of induction be ordered by his local board to perform for a period of twenty-four consecutive months civilian work contributing to the maintenance of the national health, safety, or interest. If the Department of Justice finds that the objections of the registrant are not sustained, it shall recommend to the appeal board that such objections be not sustained.

(c) Upon receipt of the report of the Department of Justice, the appeal board shall determine the classification of the registrant, and in its determination it shall give consideration to, but it shall not be bound to follow, the recommendation of the Department of Justice. The appeal board shall place in the Cover Sheet (SSS Form No. 101) of the registrant the letter containing the recommendation of the Department of Justice.

5. (a) Subparagraph (1) of paragraph (b) of § 1628.4 of Part 1628, *Physical Examination*, is amended to read as follows:

(1) Prepare an original and three copies of the Record of Induction (DD Form No. 47), by completing all of Section I except item 2, and item 18 of Section II thereof, and send the original to the medical advisor to the local board for completion of item 19 of Section II after the medical interview.

(b) Paragraph (b) of § 1628.5 of Part 1628 is amended to read as follows:

(b) Upon receiving such request for transfer for medical interview the registrant's own local board shall forward the original and three copies of the Record of Induction (DD Form No. 47), after completing all of Section I except item 2, and item 18 of Section II thereof, to the local board of transfer and shall enter under "Minutes of Actions by Local Board and Appeal Board" on the Classification Questionnaire (SSS Form No. 100) the date such forms were forwarded and the designation of the local board of transfer.

(c) Subparagraph (2) of paragraph (a) of § 1628.13 of Part 1628 is amended to read as follows:

(2) Prepare an original and three copies of the Record of Induction (DD Form No. 47), by completing all of Section I except item 2, and item 18 of Section II thereof, for each such registrant for whom such form has not previously been completed.

6. Section 1630.4 of Part 1630, *Volunteers*, is amended to read as follows:

§ 1630.4 *Classification of volunteers.* When a man files an Application for Voluntary Induction (SSS Form No. 254) under the provisions of § 1630.1, he shall be classified as soon as possible and

placed in a class available for military service unless:

(a) Disregarding all other grounds for deferment, he would be classified in Class II–A, Class II–C, or Class III–A;

(b) He is the Vice President of the United States, a Governor of a State, any State official chosen by the voters of the entire State, a member of the Congress of the United States, a member of a State legislative body, or a judge of a court of record of the United States or of a State, required to be deferred by law;

(c) He is the sole surviving son of a family of which one or more sons or daughters were killed in action or died in line of duty while serving in the Armed Forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service, whose induction is prohibited by law; or

(d) Under the provisions of § 1622.44 of this chapter he is found to be physically, mentally, or morally unfit.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 17, 1952.

[F. R. Doc. 52-6748; Filed, June 17, 1952; 11:48 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 26—TRANSFER OF PERSONNEL TO PUBLIC INTERNATIONAL ORGANIZATIONS IN WHICH THE UNITED STATES GOVERNMENT PARTICIPATES

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER § 6.156 (b) is amended to read as follows:

§ 6.156 *National Production Authority.* * * *

(b) Until December 31, 1952 not to exceed 15 positions of Labor Advisors, GS–12 through GS–15.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (b) is added to § 6.159 as follows:

(b) Until December 31, 1952 not to exceed 5 positions of Labor Advisors, GS–12 through GS–15.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 25, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

3. Part 26 is revised and amended to read as set out below. In the main the changes consist of deletion of references to transfer to American Missions and to Executive Order 9862. This Executive order was revoked by Executive Order 10338, 17 F. R. 3009.

Sec.
26.1 Persons who may be transferred.
26.2 Definitions.
26.3 Submission of request.
26.4 Approval of transfer.
26.5 Separation from service.
26.6 Filling vacancy.
26.7 Acquisition of status.
26.8 Reemployment.
26.9 Report to the Commission.
26.10 Appeals to the Commission.
26.11 Effective date.

AUTHORITY: §§ 26.1 to 26.11, issued under sec. 5, E. O. 9721, May 10, 1946, 11 F. R. 5209; 3 CFR, 1946 Supp., E. O. 10103, Feb. 1, 1950, 15 F. R. 597; 3 CFR, 1950 Supp.

§ 26.1 *Persons who may be transferred.* The following persons may be given consideration for transfer under Executive Order 9721:

(a) Employees of any agency or department in the executive branch of the Federal Government who are serving under (1) probational or permanent civil service appointments, or (2) war service indefinite appointments regardless of whether a trial period has been completed.

(b) Former employees of such an agency or department who (1) are serving in a public international organization, (2) have served continuously in such organization since May 10, 1946, and (3) left war service indefinite or probational or permanent civil service appointments to take their present employment.

§ 26.2 *Definitions.* (a) "Public international organization" is one designated by the President pursuant to the Act of December 29, 1945 (59 Stat. 669).[1]

(b) "Terminated without prejudice" means separation from the public international organization to which transferred under Executive Order 9721, either voluntarily or involuntarily under circumstances which do not reflect on the transferee's suitability for further Federal employment.

(c) "Consent of the head of the department or agency concerned" means the specific consent of the head of the department or agency or his designated representative for the employee's or former employee's transfer under Executive Order 9721. A general release for employment elsewhere or a release granted other than for the specific purpose of transfer under Executive Order 9721 shall not be construed as "consent" under Executive Order 9721.

§ 26.3 *Submission of request.* A request for the transfer of an employee or former employee under Executive Order 9721 shall be submitted by the public international organization in writing directly to the agency or department in which such employee is serving or last served.

§ 26.4 *Approval of transfer.* The head of the department or agency concerned or his designated representative shall, if he determines to consent to transfer under Executive Order 9721, give such consent in writing and address it to the requesting organization. The letter of consent shall specifically mention that consent is given under Executive Order 9721. A copy of the letter of consent shall be placed in the agency personnel files, and a copy shall be delivered to the transferee. The agency or department concerned may set the date on which the consent becomes valid.

§ 26.5 *Separation from service.* Upon transfer under Executive Order 9721 the employee shall be separated and his "separation by transfer under Executive Order 9721" shall be reported to the Commission on the regular notification of personnel changes.

§ 26.6 *Filling vacancy.* This appointment, reassignment, promotion, or transfer of an employee to fill a vacancy created by the transfer of an employee under Executive Order 9721 shall be limited to the return of the specific employee transferred under the order; except that this section shall not apply in any case where the provisions of section 4 of Executive Order 9721 are made applicable to a former employee of a Federal agency serving with a public international organization at the time of issuance of Executive Order 9721, and where the position he left in the agency had already been filled prior to the time the provisions of section 4 of Executive Order 9721 were made applicable to him.

§ 26.7 *Acquisition of status.* Any employee who is transferred from a war service indefinite appointment under Executive Order 9721 and who meets the conditions for acquisition of competitive status under section 2 of Executive Order 9721 shall be deemed to have acquired such status provided those conditions are met on or before 3 years from the date

[1] Public international organizations so designated by the President pursuant to the act of December 29, 1945 are:
Caribbean Commission.
Food and Agriculture Organization.
Inter-American Defense Board.
Inter-American Institute of Agricultural Sciences.
Inter-American Statistical Institute.
International Bank for Reconstruction and Development.
International Civil Aviation Organization.
International Cotton Advisory Committee.
International Joint Commission, United States and Canada.
International Labor Organization.
International Monetary Fund.
International Refugee Organization (successor to Preparatory Commission for the International Refugee Organization).
International Telecommunication Union.
International Wheat Advisory Committee (International Wheat Council).
Organization for European Economic Cooperation.
Pan-American Sanitary Bureau.
Pan-American Union.
Provisional Intergovernmental Committee for the Movement of Migrants from Europe.
South Pacific Commission.
United Nations.
United Nations Educational, Scientific, and Cultural Organization.
World Health Organization.

of his transfer. Determination of status will be made by the Commission on request of a Federal agency or the transferee. Unless all conditions precedent to acquisition of competitive status under section 2 of Executive Order 9721 have been met on or before the end of the 3-year period, no rights accrue under that section. Determination that such conditions were so met may be made after that date.

§ 26.8 *Reemployment.* (a) An employee transferred under Executive Order 9721 must meet the following conditions in order to have a right to reemployment under Executive Order 9721:

(1) He must have been serving under a probational or permanent civil service appointment prior to such transfer or he must have met the conditions for acquisition of a competitive status under section 2 of Executive Order 9721. When reemployment rights depend on acquisition of status under section 2 of Executive Order 9721, request for such determination shall be presented to the Commission by the agency concerned promptly after receipt of application for reemployment, unless such determination was made theretofore.

(2) He must have been terminated without prejudice by the public international organization to which transferred within three years of the date of his separation for transfer to such organization.

(3) He must apply for reemployment to his former agency or department (or its successor) within 90 days of his termination by such organization.

(4) He must be qualified physically to perform the duties of his former position or one of like seniority, status and pay.

(b) An employee transferred under Executive Order 9721 shall not lose his reemployment rights upon (1) transfer or reassignment within an agency; (2) transfer by Presidential order or act of Congress; (3) entry into military service (*Provided*, That at the time of such entry he would have acquired restoration rights had he entered military service from his original agency); or (4) transfer from one public international organization to another with the function in which engaged when such function is transferred by an international agreement in which the United States participates.

(c) Upon meeting the conditions for reemployment under Executive Order 9721, the transferee's former agency or department (or its successor) shall reemploy him within 30 days of his application for reemployment. Such reemployment shall be in the employee's former position or in a position of like seniority, status and pay.

(d) Upon reemployment under Executive Order 9721, an employee shall be considered as having been on leave of absence for a period not to exceed 3 years from the date of transfer and while employed by the said international organization. He shall be given the seniority and, to the extent consistent with law the pay to which he would have been entitled had he remained continuously with the agency in his former position. He shall be considered as having competitive status and tenure and shall be given full credit for completion of probation for service in the international organization since acquisition of status. Any sick leave to his credit at the time of his separation for transfer shall be recredited to him.

NOTE: Executive Order 9862, providing for transfer of personnel to American Missions aiding Greece and Turkey, has been revoked by Executive Order 10338 (17 F. R. 3009). However, the rights of employees already transferred under Executive Order 9862 are not affected.

§ 26.9 *Report to the Commission.* (a) A transfer under Executive Order 9721 shall be reported to the Commission on the regular notification of personnel changes. In any case where the provisions of Executive Order 9721 are, with the consent of the Federal agency in which he was formerly employed, made applicable to a former employee of the agency, the action shall be reported as a transfer effective as of the date the employee left the Federal agency to take employment with the public international organization.

(b) A reemployment under Executive Order 9721 shall be reported to the Commission on the regular notification of personnel changes.

§ 26.10 *Appeals to the Commission.* There shall be no appeal to the Commission from a denial by the head of the agency or department or his designated representative of transfer under Executive Order 9721. The Commission shall make final decision as to the acquisition of status of an employee under section 2 of Executive Order 9721. An employee transferred under Executive Order 9721 who has been denied reemployment may appeal to the Commission, and the Commission shall make final determination of his right to reemployment.

§ 26.11 *Effective date.* This part shall be effective as of May 10, 1946.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-6686; Filed, June 17, 1952; 8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 876.4]

PART 876—HAWAII

FAIR AND REASONABLE PRICES FOR 1952 CROP OF HAWAIIAN SUGARCANE

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and due consideration of the evidence obtained at the public hearing held in Honolulu and in Hilo, Territory of Hawaii, on January 23 and 25-26, 1952, respectively, the following determination is hereby issued.

§ 876.4 *Fair and reasonable prices for the 1952 crop of Hawaiian Sugarcane.* Fair and reasonable prices for the 1952 crop of Hawaiian sugarcane to be paid by a processor who, as a producer, applies for payment under the act shall be not less than the prices provided in adherent planter or independent grower sugarcane purchase contracts, or toll agreements, heretofore entered into between such processor-producer and other producers of sugarcane or in independent grower sugarcane purchase contracts hereafter entered into between a processor-producer listed in paragraph (b) of this section and adherent planters otherwise eligible to become independent growers: *Provided*,

(a) That under adherent planter agreements, the price per ton for 1952 crop sugarcane shall be not less than the price as calculated under such agreements for the 1950 crop;

(b) That under independent grower agreements entered into by the processor-producers listed in this paragraph, the price per ton for 1952 crop sugarcane shall be not less than the price calculated as follows:

	Rate of payment [1]	Standard quality ratio [2]
(1) Kohala Sugar Co., the net proceeds from 72 percent of the sugar manufactured from the sugarcane delivered to the processor-producer by the producer		
(2) Olaa Sugar Co.	1.22	[3]
(3) Hilo Sugar Plantation Co., Onomea Sugar Co., Pepeekeo Sugar Co., Hakalau Plantation Co.	1.09	9.5
(4) Hawaiian Agricultural Co.	1.36	8.5

[1] Rate of payment for each 1 cent of the average net proceeds from sales of sugar and molasses expressed in cents per pound of sugar, raw value (referred to in the prior determination as 96° D. A. raw sugar).

[2] Tons of sugarcane required to produce one ton of sugar, raw value. The price per ton of sugarcane shall be increased or decreased proportionately as the actual quality ratio of sugarcane is lower or higher, respectively, than the standard quality ratio.

[3] Average quality ratio of sugarcane purchased from producers during the 5 years, 1947-51.

(c) That in instances where payment for sugarcane is based on net returns, the processor-producer shall submit for approval to the Hawaiian Area Office, PMA, Honolulu, Hawaii, the average gross proceeds realized from sales of sugar and molasses, and those deductible selling and delivery expenses actually incurred, limited to those items specifically enumerated by the processor-producer and approved by the Hawaiian Area Office for the 1951 crop;

(d) That elements of expense properly chargeable and added to the direct cost of labor, material and services to develop the rates of charge for such labor, material and services furnished by a processor-producer to other producers shall be the same in 1952 as in 1951;

(e) That nothing in paragraphs (c) and (d) of this section shall be construed as prohibiting modifications which may be necessary because of unusual circumstances which may arise in the future, any such modifications to be subject to approval by the Hawaiian Area Office, PMA, Honolulu, Hawaii; and

(f) That the processor-producer shall not reduce returns to the producer below those determined in this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the level of prices to be paid by a processor-producer (i. e., a producer who is also, directly or indirectly, a processor of sugarcane—hereinafter referred to as "processor") for sugarcane of the 1952 crop purchased from other producers. It prescribes the minimum requirements with respect to prices which must be met as one of the conditions for payment under the act.

(b) *Requirements of the act.* In determining fair and reasonable prices, the act requires that public hearings be held and investigations made. Accordingly, on January 23 and January 25–26, 1952, public hearings were held in Honolulu and Hilo, Territory of Hawaii, at which time interested persons presented testimony with respect to fair and reasonable prices for the 1952 crop of sugarcane. In addition, investigations have been made of conditions relating to the sugar industry in Hawaii. In determining fair and reasonable prices, consideration has been given to testimony presented at the hearings and to information resulting from investigations.

(c) *1952 price determination.* The price determination for 1952 crop sugarcane continues the requirements of the 1951 crop fair price determination and further provides: (1) In instances where payments to producers are based on net returns from sugar or sugar and molasses, the requirement that processors submit for approval by the Hawaiian Area Office of the Production and marketing Administration the average gross proceeds realized from sales of sugar and molasses; (2) the requirement that items of selling and delivery expense used in the computation of payments for 1952 crop sugarcane be the same as those specifically enumerated by the processor and approved by the Hawaiian Area Office for the 1951 crop; and, (3) the requirement that elements of expense properly chargeable and added to the direct cost of labor, material and services to develop a rate of charge for such items furnished by a processor to producers be the same in 1952 as in 1951. The requirements indicated in (2) and (3) above may be modified in the event of unusual circumstances after approval by the PMA Hawaiian Area Office. Changes made in the 1952 price determination are based upon information obtained at the public hearings and in supplemental briefs and are designed to conform practices in the 1952 crop year to those obtaining during the 1951 crop year.

At the public hearing, representatives of processors recommended that prices payable under negotiated agreements with adherent planters and independent growers be approved as fair and reasonable for the 1952 crop. One spokesman further recommended that processors be permitted to charge producers for certain services for which no charge was made in prior years, in the event higher rates of payment were required. Representatives of two producers' associations recommended that the prices specified in the 1951 price determination, which for independent growers are higher than those provided in most agreements, be continued as fair and reasonable prices for the 1952 crop. A representative of another producers' association recommended a minimum price per ton for sugarcane, such minimum to be increased whenever the price of sugar exceeds a base level. Another producer representative expressed dissatisfaction with the adherent planter agreement currently in effect at one plantation and recommended that adherent planters receive the entire Sugar Act payment on sugarcane which they produce and that they share in the processor's proceeds from molasses.

Each of these recommendations has been examined in the light of returns, costs and profits to producers and processors which are expected to prevail in 1952. Consideration has also been given to other testimony at the public hearing, to the contracts negotiated between the parties, to historical sharing relationships and to data obtained as the result of investigating conditions affecting the sugar industry. This analysis did not justify the adoption of certain of the recommendations. On the basis of the examination made, the prices provided in this determination for 1952 crop sugarcane are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup., 1131)

Issued this 13th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6683; Filed, June 17, 1952; 8:57 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 983—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

SUBPART—CONTROL COMMITTEE RULES AND REGULATIONS

In accordance with Marketing Agreement 112 and Order No. 83 (17 F. R. 4971, 5002, and 5058; 7 CFR Part 983), regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the information and recommendation submitted by the Control Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that the rules and regulations hereinafter set forth are in accordance with said marketing agreement and order and will tend to effectuate the declared policy of the act and should become effective at the time hereinafter specified.

It is hereby further found that it is unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or postpone the effective date of this order until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, in addition to the findings heretofore made with respect to the issuance of said Order No. 83 (effective June 3, 1952), (1) the Control Committee needs to begin consideration of applications for handling certificates and the issuance of such certificates in eligible cases; (2) harvesting or priming of tobacco leaves and farm curing thereof is well under way in the production area; (3) the handling of tobacco will begin very soon; (4) it is desirable that the rules and regulations be effective at the earliest possible date so as to provide the maximum time for growers and handlers to prepare for the certification, or exemption, for handling of tobacco leaves primed from untopped plants or topped plants; and (5) compliance with this order will not require any advance preparation on the part of the handlers which cannot be completed prior to the approval hereof.

DEFINITION

Sec.
983.100 Definitions.

GENERAL

983.110 Communications.

ISSUANCE OF HANDLING CERTIFICATES

983.115 Handling Certificates.

ISSUANCE OF EXEMPTION CERTIFICATES

983.120 Exemption Certificates.

BOOKS, RECORDS, REPORTS AND IDENTIFICATION OF TOBACCO

983.130 Books, records of tobacco and reports.
983.140 Identification of tobacco handled.

AUTHORITY: §§ 983.100 to 983.140, issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

DEFINITIONS

§ 983.100 *Definitions.* (a) "Order" means Order No. 83 (17 F. R. 4971, 5002, and 5058; 7 CFR Part 983) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia.

(b) "Marketing Agreement" means Marketing Agreement No. 112 regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia.

(c) All other terms used in this subpart shall have the same meaning as when used in the marketing agreement and order.

GENERAL

§ 983.110 *Communications.* Unless otherwise prescribed in this subpart, or in the marketing agreement and order, or required by the Control Committee, all reports, applications, submittals, requests, and communications in connec-

tion with the marketing agreement and order shall be addressed as follows:

Control Committee,
Florida Crops and Livestock Pavillion,
Quincy, Florida.

ISSUANCE OF HANDLING CERTIFICATES

§ 983.115 *Handling certificates.* (a) Upon written application by a grower to the Control Committee for a handling certificate, the Committee shall issue such certificate to the grower with respect to the tobacco eligible for handling thereunder. Each such application and certificate shall relate to the tobacco of a single field and shall identify such field, the grower, and the handler.

(b) Before issuing any handling certificate, the Control Committee shall have its representative inspect the tobacco and the field in which grown and shall have on record a report of that inspection.

(c) Each handling certificate issued by the Control Committee shall be made on T–62, Form 1, Handling Certificate.

ISSUANCE OF EXEMPTION CERTIFICATES

§ 983.120 *Exemption Certificates.* (a) Upon written application by a grower to the Control Committee for an exemption certificate, the Committee may issue such certificate to the grower with respect to the tobacco eligible for handling thereunder. Each such application and certificate shall relate to the tobacco of a single field and shall identify such field, the grower, and the handler. The application shall also set forth the reasons for the request for the exemption.

(b) As early as practicable, the Committee shall estimate the average proportion of the total production of tobacco permitted to be handled by all handlers. Before issuing any exemption certificate, the Control Committee shall cause an inspection to be made of the applicable tobacco and the fields in which grown and shall have on record a report of that inspection. The Control Committee shall promptly verify all statements contained in the application and determine whether it shall be approved or disapproved. Such decision shall, in the case of approval, be evidenced by the issuance of an exemption certificate, and, in the case of disapproval, by a written notice to the applicant of such disapproval.

(c) Each exemption certificate issued by the Control Committee shall be on Form T–62, Form 2, Exemption Certificate.

(d) Each such exemption certificate shall permit the grower to handle, or have handled, a proportion of his production of tobacco during the then current fiscal period equal to, but not to exceed, the estimated average proportion of tobacco permitted to be handled during such fiscal period.

BOOKS, RECORDS, REPORTS AND IDENTIFICATION OF TOBACCO

§ 983.130 *Books, records and reports*—(a) *Books and records.* Each handler, and each subsidiary and affiliate thereof, shall, with respect to each quantity of tobacco handled by the respective person, keep such books and records as will clearly show the details of such person's handling of the tobacco, including:

(1) Name and address of grower;
(2) Handling certificate;
(3) Exemption certificate, if any;
(4) Priming number;
(5) Field identification;
(6) Receiving weight; and
(7) Date of receipt.

(b) *Reports.* Each handler, and each subsidiary and affiliate thereof, shall furnish the Committee upon request, in such manner and at such time as may be prescribed, such of the information required pursuant to this section as will enable the Committee to exercise its powers and perform its duties.

§ 983.140 *Identification of tobacco handled.* Except as otherwise provided in this subpart, each handler, and each subsidiary and affiliate thereof, shall maintain the identity of each quantity of tobacco handled by the respective person throughout the entire time such person handles the tobacco. However, after the tobacco is sorted, the continued identification of those leaves or portion of leaves—commonly known as "pull-outs"—that are removed from the main part of the tobacco is not required. Such identification shall include, but not be limited to, the information listed in § 983.130 (a).

Issued at Washington, D. C., this 13th day of June 1952, to be, and become, effective upon the date of publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–6615; Filed, June 17, 1952; 8:47 a. m.]

PART 992—HANDLING OF IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

§ 992.307 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 113 and Order No. 92, (7 CFR Part 992) regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601, et seq.), and upon the basis of the recommendation and information submitted by the State of Washington Potato Committee, established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until thirty days after publication thereof in the the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of the 1952 crop of Irish potatoes grown in the production area will have begun, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by limiting in the manner set forth below shipments of potatoes on and after the effective date hereinafter provided, (iii) information regarding the committee's recommendation has been made available to producers and handlers in the production area, (iv) compliance with this section will not require any preparation on the part of handlers which cannot be completed by such effective date, and (v) a reasonable time is permitted under the circumstances, for such preparation.

(b) *Order.* (1) During the period from June 23, 1952 to May 31, 1953, both dates inclusive, no handler shall ship potatoes of any variety which do not meet the following grade and size requirements: (i) U. S. No. 2 or better grade, 1⅞ inches minimum or larger diameter, or (ii) U. S. No. 1 size B, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(2) Pursuant to § 992.49, each handler may make one shipment of not in excess of five hundredweight of potatoes per week without regard to the limitations set forth in subparagraph (1) of this paragraph, and §§ 992.41 and 992.53.

(3) During the period from June 23, 1952 to September 30, 1952, both dates inclusive, no handler shall ship a lot of potatoes if more than 50 percent of the potatoes in such lot have more than one-half of the skin missing or feathered, as such terms are used in the U. S. Standards for Potatoes, except that, no handler shall ship any lot of potatoes of the Netted Gem variety if more than 30 percent of the potatoes in such lot have more than one-half of the skin missing or feathered, as such terms are used in the U. S. Standards for Potatoes: *Provided*, That one lot of not to exceed 100 hundredweight of each variety of potatoes of each producer may be handled every four days without regard to the aforesaid maturity requirements; *Provided further*, That the provisos set forth in subparagraph (1) of this paragraph will be equally applicable to potatoes shipped under the maturity requirements set forth in this subparagraph.

(4) Pursuant to § 992.50 (a) and (b), the limitations set forth in subparagraph (1) of this paragraph shall not be applicable to: (i) Shipments of potatoes for export; (ii) shipments of potatoes for distribution by the Federal government, for distribution by relief agencies, or for consumption by charitable institutions; (iii) shipments of potatoes for manufacturing or conversion into starch, flour, alcohol, dehydrated products, canned products, frozen products, and potato chips; (iv) shipments of potatoes for livestock feed; and (v) shipments of seed potatoes.

(5) Each handler making shipments of potatoes pursuant to subparagraph (4) of this paragraph shall (i) file an application with the committee pursuant to § 992.104 for permission to make such shipments (except as to shipments for distribution by the Federal Government), (ii) pay assessments on such shipments pursuant to § 992.41 (except shipments for livestock feed), and (iii) have such shipments (except shipments

of seed potatoes and shipments for livestock feed) inspected pursuant to § 992.53.

(6) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92 (7 CFR 992.1 et seq.) and the aforementioned grades and sizes shall have the same meanings assigned these terms in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup 608c)

Done at Washington, D. C., this 13th day of June, 1952, to become effective June 23, 1952.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6616; Filed, June 17, 1952; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

DRUGS AND DEVICES; LABELING REQUIREMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502 (b), 701 (a), 52 Stat. 1050, 1055; 21 U. S. C. 352 (b), 371 (a)), the regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act (21 CFR 1) are amended in the following respects:

In § 1.102 *Drugs and devices; labeling requirements*, paragraph (m) is amended by changing the period at the end of subparagraph (2) to ", or" and by adding the following subparagraph:

(3) It is an ointment, is labeled "Sample" or "Physician's Sample," or with a substantially similar statement, and the contents of the package do not weigh more than 8 grams.

This order shall become effective upon its publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the exemption from certain labeling requirements of the Federal Food, Drug, and Cosmetic Act which is established by this order for small packages of ointment intended as samples imposes no burden upon the affected industry, but rather relieves such a burden and is in the public interest since it will remove a presently existing deterrent to the distribution of samples of such drugs.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 502, 52 Stat. 1050; 21 U. S. C. 352)

Dated: June 12, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-6639; Filed, June 17, 1952; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

PART 1604—SELECTIVE SERVICE OFFICERS

PART 1609—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

PART 1626—APPEAL TO APPEAL BOARD

PART 1628—PHYSICAL EXAMINATION

PART 1630—VOLUNTEERS

CROSS REFERENCE: For amendment of §§ 1604.51, 1609.51, 1622.30, 1626.25, 1628.4, and 1630.4, *see* Executive Order 10363, *supra*.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 101, Amdt. 4]

CPR 101—CEILING PRICES OF VEAL SOLD AT WHOLESALE

COMBINATION DISTRIBUTOR AND HOTEL SUPPLY HOUSE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization General Order 5, Revision, this Amendment 4 to Ceiling Price Regulation 101 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment changes the definition of "hotel supply house" and "combination distributor" and revises certain ceiling prices for hotel supply house and combination distributor sales.

This amendment parallels and is substantially identical with Amendment 12 to Ceiling Price Regulation 24, issued concurrently herewith. The Statement of Considerations issued in connection with that amendment applies equally to this amendment and therefore is incorporated herein.

AMENDATORY PROVISIONS

Ceiling Price Regulation 101 is amended in the following respects:

1. Section 20, Schedule I, Special Adjustment 5 is amended to read as follows:

(5) If you are a hotel supply house, and you do not obtain any veal from any source affiliated with you, you may add $1.50 per hundredweight to the prices listed above in Schedule I (b) except on sales to purveyors of meals, in which case you may add $5.00 per hundredweight to the prices listed above in Schedule I (b). If you are a hotel supply house, and you obtain some of your veal from a source affiliated with you, you may add $1.50 per hundredweight to the prices listed above in Schedule I (b), on sales of any of these items which are derived from veal which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $5.00 per hundredweight to the prices listed above in Schedule I (b) regardless of source; however, you may not take this addition (except on sales to purveyors of meals) unless the item sold bears the appropriate registration number of the non-affiliated source required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the non-affiliated source from whom you bought. If you are a ship supplier you may add $5.00 per hundredweight to the ceiling prices listed above in Schedule I (b) on sales to ship operators. In all cases, you may not charge the additions permitted in this adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

2. Section 20, Schedule I, Special Adjustment 6 is amended to read as follows:

(6) If you are a combination distributor, and you do not obtain any veal from any source affiliated with you, you may add to the prices listed above in Schedule I (b) $4.00 per hundredweight on sales to purveyors of meals and $2.00 per hundredweight on sales to all other buyers. If you are a combination distributor and you obtain some of your veal from a source affiliated with you, you may add $2.00 per hundredweight to the prices listed above in Schedule I (b) on sales of any of these items which are derived from veal which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $4.00 per hundredweight to the prices listed above in Schedule I (b) regardless of source; however, you may not take this addition (except on sales to purveyors of meals) unless the item sold bears the appropriate registration number of the non-affiliated source required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the non-affiliated source from whom you bought. In all cases, you may not charge the additions permitted in this adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

3. Section 22, Schedule III, Special Addition 1 is amended to read as follows:

(1) If you are a hotel supply house, and you do not obtain any veal from any source affiliated with you, you may add $1.50 per hundredweight to the prices listed above, except on sales to purveyors of meals in which case you may add $5.00 per hundredweight to the prices listed above. If you are a hotel supply house and you obtain some of your veal from a source affiliated with you, you may add $1.50 per hundredweight to the prices listed above on sales of any of these items which are derived from veal which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $5.00 per hundredweight to the prices listed above regardless of source; however, you may not take this addition (except on sales to purveyors of meals) unless the item sold, other than item 3, 6 and 7, bears the appropriate registration number of the nonaffiliated source required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the non-affiliated source from whom you bought. If you are a ship supplier, you may add $5.00 per hundredweight to the prices listed above on sales to ship operators. In all cases, you may not charge the additions permitted in this Special Addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

4. Section 22, Schedule III, Special Addition 2 is amended to read as follows:

(2) If you are a combination distributor and you do not obtain any veal from any source affiliated with you, you may add to

the prices listed above $4.00 per hundredweight on sales to purveyors of meals and $2.00 per hundredweight on sales to all other buyers. If you are a combination distributor, and you obtain some of your veal from a source affiliated with you, you may add $2.00 per hundredweight to the prices listed above on sales of any of these items which are derived from veal which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $4.00 per hundredweight to the prices listed above regardless of source; however, you may not take this addition (except on sales to purveyors of meals) unless the item sold, other than items 3, 6 and 7, bears the appropriate registration number of the nonaffiliated source required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the nonaffiliated source from whom you bought. In all cases, you may not charge the addition permitted in this Special Addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

5. Section 50 (d) is amended to read as follows:

(d) *Combination distributor* means any establishment which does not sell to ultimate consumers more than 50 percent of the total volume by weight of all meats, including sausage, variety meats and edible byproducts, sold or delivered by it; and which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats, including sausage, variety meats and edible byproducts, sold or delivered by it, excluding sales to defense procurement agencies.

6. Section 50 (g) is amended to read as follows:

(g) *Hotel supply house* means any establishment which sold or delivered to purveyors of meals during 1950 not less than 70 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 13, 1952.

[F. R. Doc. 52-6634; Filed, June 13, 1952; 12:46 p. m.]

[Ceiling Price Regulation 24, Amdt. 12]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

COMBINATION DISTRIBUTOR AND HOTEL SUPPLY HOUSE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 12 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Statement of Considerations applies to Amendment 12 to Ceiling Price Regulation (CPR) 24, Amendment 6 to CPR 74, Amendment 6 to CPR 92 and Amendment 4 to CPR 101.

This amendment changes CPR 24 to comply with the decision of the Emergency Court of Appeals in Davidson Meat Co., Inc., et al. v. Arnall, F. 2d (E. C. A. May 14, 1952) and also makes several minor changes in CPR 24.

This amendment and the companion amendments to the other meat regulations carry out the mandate of the Court by redefining the terms "hotel supply house" and "combination distributor" so as to eliminate the concept of affiliation from these definitions. These new definitions thus treat all hotel supply houses and combination distributors alike, irrespective of affiliation.

Different ceiling prices have heretofore been provided in sections 20, 21 and 22 for sales of primal, fabricated, and boneless cuts by packers (including packer branch houses), combination distributors, and hotel supply houses, the lowest prices being provided for packer (and packer branch house) sales, with higher prices being established for sales of the same items by combination distributors and hotel supply houses. Slaughterers frequently maintain combination distributor and hotel supply house establishments in the same city in which they have their slaughterhouses or branch houses. Under the new definitions of combination distributor and hotel supply house, it would be simple for these packers to route their primal, fabricated and boneless cuts through their affiliated combination distributor or hotel supply house establishments, rather than to sell them through the slaughterhouse or branch house, and thereby obtain the higher ceiling prices provided for sales by the more specialized units even though those units performed no special services on these sales. This would, of course, result in substantially higher prices.

It does not appear that it was the intention of the Court, in the Davidson case, to prohibit the Office of Price Stabilization from preventing this type of price pyramiding. Accordingly, this amendment prevents this possible price pyramiding by providing that the additions allowed for sales by affiliated hotel supply houses and combination distributors to retailers of primal cuts and boneless cuts in sections 20 and 22 are limited to those cuts which bear the registration number, or wrapping or packaging bearing the name of, a source unaffiliated with the particular hotel supply house or combination distributor. Thus, there will be no incentive for slaughterers to divert these sales to their affiliated combination distributors and hotel supply houses, since they would not be able to sell to retailers the beef they slaughter at higher prices from these establishments than from their slaughterhouse or branch house. At the same time, this provision will permit an affiliated hotel supply house to get the full hotel supply house addition on all beef it procures from unaffiliated slaughterers. As an additional safeguard to prevent evasion, it is provided that the additions may not be charged if the meat was not physically in the cooler of the selling establishment prior to delivery.

The additions provided for hotel supply houses and combination distributors on sales to purveyors of meals are the same irrespective of the source of beef in order to assure continuance of the supply of primal and boneless cuts from these customary suppliers to these purchasers. These sellers are given substantially higher ceiling prices for fabricated cuts, irrespective of source, than for boneless and primal cuts for the reasons stated in the following paragraph. Therefore, they would sell to purveyors of meals only in the form of fabricated cuts the beef they obtain from affiliated sources if they were not permitted the addition on boneless and primal cuts sold to purveyors of meals irrespective of source. While this will result in a substantial addition on sales to purveyors of meals, these buyers will realize off-setting economies by being able to buy a larger volume of primal and boneless cuts which are, despite the addition, less expensive than fabricated cuts. It is unnecessary to make a similar provision for sales to retailers, since the prohibition against sales of fabricated cuts to retailers eliminates the opportunity to discontinue the sale of primal cuts and boneless cuts to these customers.

No differentiation based on the source of beef is made at this time in the additions for hotel supply houses and combination distributors on sales of cuts which do not normally bear a registration number of, or wrapping or packaging bearing the name of, an unaffiliated source, since such a provision would not be feasible for these cuts because of enforcement difficulties. The Director is concerned, however, that slaughterers may stop preparing and selling such cuts, for example, fabricated cuts, at their branch houses and prepare and sell them through their affiliated hotel supply houses and combination distributors in order to obtain the benefit of the latter's higher ceiling prices. Therefore, consideration is being given to alternative feasible provisions which would prevent this abuse. However, in order to issue this amendment promptly so that it can become effective in accordance with the Court's mandate, this amendment is being issued at this time before these alternative plans have been fully explored.

Corresponding changes have also been made in Section 27, Schedule VIII. The ceiling price differential between sales of processed beef products by affiliated and unaffiliated distributors has been eliminated.

In the formulation of Amendment 12 to CPR 24, Amendment 6 to CPR 74, Amendment 6 to CPR 92 and Amendment 4 to CPR 101, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable. In the judgment of the Director of Price Stabilization, the provisions of each of

these four amendments are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the National Defense, and comply with all the applicable standards of the act.

All standards prescribed in these four amendments were, prior to the issuance of the regulations to which they apply, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of the meats to which these regulations apply since no practicable alternative exists for securing effective price control of these meats.

It is not believed that any of these four amendments will cause any substantial changes in business practice, cost practices or methods, or means or aids to distribution; however, to the extent that such changes are compelled, they are necessary to prevent circumvention or evasion of the regulations to which these amendments apply.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. Section 20, Special Adjustment (3) is amended to read as follows:

(3) If you are a hotel supply house and you do not obtain any beef from any source affiliated with you, you may add $1.50 per hundredweight to the prices listed above, except on sales to purveyors of meals, in which case you may add $5.00 per hundredweight to the prices listed above.

If you are a hotel supply house, and you obtain some of your beef from a source affiliated with you, you may add $1.50 per hundredweight to the prices listed above, on sales of any of these items which are derived from beef which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $5.00 per hundredweight to the prices listed above, regardless of source; however, you may not take this addition (except on sales to purveyors of meals) unless the item sold bears the appropriate registration number of the non-affiliated source, required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the unaffiliated source from whom you bought this item.

If you are a ship supplier you may add $5.00 per hundredweight to the prices listed above, on sales to ship operators.

In all cases, you may not charge the additions permitted in this special adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

2. Section 20, Schedule I, Special Adjustment (4), is amended to read as follows:

(4) If you are a combination distributor and you do not obtain any beef from any source affiliated with you, you may add $2.00 per hundredweight to the prices listed above, except on sales to purveyors of meals, in which case you may add $4.00 per hundredweight to the prices listed above.

If you are a combination distributor, and you obtain some of your beef from a source affiliated with you, you may add $2.00 per hundredweight to the prices listed above, on sales of any of these items which are derived from beef which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $4.00 per hundredweight to the prices listed above, regardless of source; however, you may not take this addition (except on sales to purveyors of meals), unless the item sold bears the appropriate registration number of the unaffiliated source, required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the unaffiliated source from whom you bought this item.

In all cases, you may not charge the addition permitted in this special adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

3. Section 22, Schedule III, Special Addition (1) is amended to read as follows:

(1) If you are a hotel supply house and you do not obtain any beef from any source affiliated with you, you may add $1.50 per hundredweight to the prices listed above.

If you are a hotel supply house, and you obtain some of your beef from a source affiliated with you, you may add $1.50 per hundredweight to the prices listed above on sales of any of these items which are derived from beef which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $1.50 per hundredweight to the prices listed above, regardless of source; however, you may not take this addition, except on sales to purveyors of meals and except on all other sales of items 6, 7, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 23, or 25, above, unless the item sold bears the appropriate registration number of the non-affiliated source, required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the unaffiliated source from whom you bought this item.

In all cases, you may not charge the amounts permitted in this special addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

4. Section 22, Schedule III, Special Addition (2) is amended to read as follows:

(2) If you are a combination distributor, and you do not obtain any beef from any source affiliated with you, you may add $2.00 per hundredweight to the prices listed above.

If you are a combination distributor, and you obtain some of your beef from a source affiliated with you, you may add $2.00 per hundredweight to the prices listed above on sales of any of these items which are derived from beef which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $2.00 per hundredweight, regardless of source; however, you may not take this addition, except on sales to purveyors of meals and except on all other sales of items 6, 7, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 23, or 25, above, unless the item sold bears the appropriate registration number of the non-affiliated sources, required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the unaffiliated source from whom you bought this item.

In all cases, you may not charge the amount permitted in this special addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

5. Section 27 is amended to read as follows:

SEC. 27. *Schedule VIII—Certain cured, dried, and smoked beef products*—(a) *For sales by all sellers, except those listed in Section 27 (b).*

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced proportionately. All prices are f. o. b. your selling establishment. You may add any applicable additions permitted in sections 41, 45, and 49A of this regulation to the ceiling prices listed below. The ceiling prices established by this section 27 (a) supersede the method for determining your ceiling prices set forth in section 4 (b) of this regulation. However, if you have heretofore established a ceiling price for any item listed below, under the provisions of Supplementary Regulation 61, as amended, to the General Ceiling Price Regulation, you may elect to continue to use such ceiling price instead of the ceiling price listed below, except on sales to retailers. On sales to retailers you may not charge more than the prices listed in this Schedule VIII (a), plus any applicable addition.]

SCHEDULE VIII (a)

Item (1)	Ceiling prices in Zone 1 (2)	Prices in all other zones. [As used herein the term "zone differential" means the zone differential allowance for the particular grade of beef used. The zone differentials are listed in Appendix II. Round the price to the nearest 10 cents per hundredweight.] (3)
1. Corned boneless brisket (deckle-on):		
Prime, choice, good	$57.30	Zone 1 price plus 1.6 times zone differential.
Commercial and utility	45.60	Do.
2. Corned boneless brisket (deckle-off):		
Prime, choice, good	70.10	Zone 1 price plus 1.9 times zone differential.
Commercial and utility	55.40	Do.
3. Corned boneless insides, outsides, knuckles gooseneck rounds, rumps, or clods:		
Prime, choice, good	76.40	Zone 1 price plus 1.2 times zone differential.
Commercial and utility	69.90	Do.
4. Corned boneless sirloin butts:		
Prime, choice, good	85.70	Zone 1 price plus 1.4 times zone differential.
Commercial and utility	71.20	Do.
5. Tongues, short cut:		
Corned	42.20	Zone 1 price plus 1.8 times zone differential.
Smoked	83.50	Do.
6. Dried beef:		
Bulk	117.20	Zone 1 price plus 2.3 times zone differential.
Sliced, ½-pound package	142.50	Do.
Sliced, other than ½-pound package	137.20	Do.
7. Kosher corned boneless brisket (deckle-off): Prime, choice, good.	80.30	Zone 1 price plus 1.9 times zone differential except zone 4a. Zone 4a, 3 times zone differential.
8. Kosher pickled tongues: Short cut	71.30	Zone 1 price plus 1.4 times zone differential.

SPECIAL ADDITIONS

1. If you ship any of the above listed beef products (other than smoked or dried products), in a hardwood, watertight, metal-band bound keg, you may add the actual cost of this container to the ceiling prices listed above. However, this addition may not exceed $2.50 per hundredweight and must appear as a separate charge in your sales invoice to the purchaser. If you charge this keg addition, you may not use the addition set forth in section 45.

2. On sales to retailers, you may add $1.00 per hundredweight to the prices listed in column 2.

3. On sales to purveyors of meals, you may add $2.00 per hundredweight to the prices listed in column 2.

(b) *For sales by nonslaughtering processors, hotel supply houses, combination distributors, and wholesalers,[1] and for peddler truck sales.*

[All prices are on a dollars per hundredweight basis. The prices for any fraction of a hundredweight shall be reduced proportionately. All prices are f. o. b. your selling establishment. You may add any applicable additions permitted in sections 41 and 45 of this regulation to the ceiling prices listed below. The ceiling prices established by this section 27 (b) supersede the method for determining your ceiling prices set forth in section 4 (b) of this regulation. However, if you have heretofore established a ceiling price for any item listed below, under the provisions of Supplementary Regulation 61, as amended, to the General Ceiling Price Regulation, you may elect to continue to use such ceiling price instead of the ceiling price listed below, except on sales to retailers. On sales to retailers, see footnote 1 below.]

SCHEDULE VIII (a)

	Prices in Zone 1					Prices in all other zones
	Sales by nonslaughtering processors	Sales by hotel supply houses		Sales by combination distributors and peddler truck sales		
	To all buyers, except retailers[1]	To purveyors of meals	To other buyers, except retailers[1]	To purveyors of meals	To other buyers except retailers[1]	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. Corned boneless brisket (deckle-on):						The zone differential allowance for each item listed in this Schedule VIII (b) except kosher corned boneless brisket shall be the same as the zone differential allowance prescribed in Schedule VIII (a) column 3, and prices shall be rounded to the nearest 10 cents per hundredweight in the same manner. No zone differential allowance is permitted for kosher corned boneless briskets.
Prime, choice, good	$50.50	$67.30	$62.30	$65.60	$62.30	
Commercial and utility	48.10	53.90	50.60	52.50	50.60	
2. Corned boneless briskets (deckle-off):						
Prime, choice, good	72.60	82.00	75.10	79.90	75.10	
Commercial and utility	57.90	65.10	60.40	63.40	60.40	
3. Corned boneless insides, outsides, knuckles, gooseneck rounds, or clods:						
Prime, choice, good	82.10	91.10	84.40	88.80	84.40	
Commercial and utility	75.30	86.50	77.50	84.20	77.50	
4. Corned boneless sirloin butts:						
Prime, choice, good	92.50	102.50	94.80	99.80	94.80	
Commercial and utility	77.20	85.30	79.50	83.10	79.50	
5. Tongues, short cut:						
Cured	44.20	49.70	47.20	48.40	47.20	
Smoked	56.10	63.00	58.50	61.40	58.50	
6. Dried beef:						
Bulk	120.30	136.60	122.50	133.00	122.50	
Sliced ¼-lb. pkg	146.00	167.90	148.50	163.50	147.50	
Sliced, other than ¼-lb. pkg	140.70	159.80	143.20	155.60	143.20	
7. Kosher corned boneless brisket (deckle-off): Prime, choice, good	94.50	104.60	95.90	101.80	95.90	
8. Kosher pickled tongues, short cut	73.60	84.30	78.80	82.10	78.80	

[1] On sales to retailers you must not charge more for any item listed above than the ceiling price shown for the same item in Schedule VIII (a), plus $2.50 per hundredweight, plus the applicable additions, if any, authorized in sections 41 and 45 (or the amount provided in item 1 under "Special Additions" to Schedule VIII (a) above). As used in this section the term "retailer" means a seller who purchases any of the items listed in this schedule for resale to ultimate consumers, without cooking or further processing.

SPECIAL ADDITIONS

1. If you ship any of the above listed beef products (other than smoked or dried products) in a hardwood, watertight, metal-band bound keg, you may add the actual cost of this container to the ceiling prices listed above. However, this addition may not exceed $2.50 per hundredweight and must appear as a separate charge on your sales invoice to the purchaser. If you charge this keg addition, you may not use the addition set forth in section 45.

6. Section 50 (g) is amended to read as follows:

(g) *Combination distributor* means any establishment which does not sell to ultimate consumers more than 50 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

[1] If you are a wholesaler you may add $2.25 per hundredweight to the prices listed in column (2) above on sales to all buyers, except retailers. On sales to retailers, see footnote 1 to table below.

7. Section 50 (k) is amended to read as follows:

(k) *Hotel supply house* means any establishment which sold or delivered to purveyors of meals during 1950 not less than 70 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 13, 1952.

[F. R. Doc. 52-6631; Filed, June 13, 1952; 12:45 p. m.]

[Ceiling Price Regulation 74, Amdt. 6]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE

COMBINATION DISTRIBUTOR AND HOTEL SUPPLY HOUSE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 6 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment changes the definition of "hotel supply house" and "combination distributor" and revises certain ceiling prices for hotel supply house and combination distributor sales.

This amendment parallels and is substantially identical with Amendment 12 to Ceiling Price Regulation 24, issued concurrently herewith. The Statement of Considerations issued in connection with that amendment applies equally to this amendment and therefore is incorporated herein.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended in the following respects:

1. Sections 46 (a) and (b) are amended to read as follows:

(a) *Sales to purveyors of meals.*

Item	*Amount per hundredweight*
(1) Boneless hams, boneless shoulders, boneless picnics and boneless butts (secs. 20 and 22)	$8.00
(2) Semi-sterile canned meat (sec. 25)	8.00
(3) Miscellaneous pork cuts (sec. 24), except pork tenderloins, pork tenderloin tips and cappicola butts	4.00
(4) Cappicola butts and Canadian bacon	10.00
(5) Pork variety meats and edible by-products (sec. 26)	8.00
(6) Briskets, fat backs, bellies (except square cut and seedless), plates, jowls and all items specified in sec. 23	3.00
(7) Boneless loins, pork tenderloins and pork tenderloin tips	10.00
(8) Boneless ham, ready-to-eat, cooked or browned (secs. 20 and 22) sliced	12.50
(9) Loins, regular or bladeless	10.00
(10) Other wholesale pork cuts, other than those listed in sec. 27	6.00

You may not charge the additions permitted in this paragraph (a) unless the cut sold was physically within the cooler of your selling establishment prior to delivery.

If you are a hotel supply house, you may, on sales to purveyors of meals of any wholesale pork cut listed above, add to the prices specified in Article II the amount specified above opposite the type of wholesale pork cut sold.

(b) *Sales to other buyers.* You may not charge the additions permitted in this paragraph (b) unless the cut sold was physically within the cooler of your selling establishment prior to delivery.

If you are a hotel supply house and do not obtain any pork from any source affiliated with you, you may, on the sale of wholesale pork cuts to buyers other than purveyors of meals, add the additions specified in subdivisions (1), (3), or (4) of section 43 (a) as if you were a wholesaler.

If you are a hotel supply house and obtain some of your pork from a source

affiliated with you, you may, on the sale of any wholesale pork cut to buyers other than purveyors of meals, add the additions specified in subdivision (1), (3), or (4) or section 43 (a) as if you were a wholesaler if that wholesale pork cut was derived from pork which you obtained from an unaffiliated source. You may not add this addition unless the wholesale pork cut sold (except such wholesale pork cuts as are listed in the following sentence of this paragraph) bears the appropriate registration number of the non-affiliated source required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the non-affiliated source from which you bought. On sales to buyers other than purveyors of meals of the cuts listed in items 8, 23, 24, and 34 of section 20, all cuts listed in section 22 (except item 1 of that section), all cuts listed in section 24 (except items 8, 9, and 13 of that section), and all cuts listed in section 26 (except items 10, 11, and 16 of that section), you may, although the cut does not bear the appropriate registration number, or any wrapping or packaging bearing the name or identification, of the non-affiliated source, add this addition if that cut was derived from pork obtained from an unaffiliated source.

2. Sections 47 (a) and (b) are amended to read as follows:

(a) *Sales to purveyors of meals.*

Item	Amount per hundredweight
(1) Boneless hams, boneless shoulders, boneless picnics and boneless butts (secs. 20 and 22)	$6.00
(2) Semi-sterile canned meat (sec. 25)	6.00
(3) Miscellaneous pork cuts (sec. 24) except pork tenderloins, pork tenderloin tips and cappicola butts	3.00
(4) Cappicola butts and Canadian bacon	7.50
(5) Pork variety meats and edible by-products (sec. 26)	6.00
(6) Briskets, fat backs, bellies (except square cut and seedless), plates, jowls and all items specified in sec. 23	3.00
(7) Boneless loins, pork tenderloins and pork tenderloin tips	7.50
(8) Boneless ham, ready-to-eat, cooked or browned (secs. 20 and 22) sliced	10.00
(9) Loins, regular or bladeless	7.50
(10) Other wholesale pork cuts, other than those listed in sec. 27	4.50

You may not charge the additions permitted in this paragraph (a) unless the cut sold was physically within the cooler of your selling establishment prior to delivery.

If you are a combination distributor you may, on sales to purveyors of meals of any wholesale pork cut listed above, add to the prices specified in Article II the amount specified above opposite the type of wholesale pork cut sold.

(b) *Sales to other buyers.* You may not charge the additions permitted in this paragraph (b) unless the cut sold was physically within the cooler of your selling establishment prior to delivery.

If you are a combination distributor and do not obtain any pork from any source affiliated with you, you may, on the sale of wholesale pork cuts to buyers other than purveyors of meals, add the additions specified in subdivision (1), (3), or (4) of section 43 (a) as if you were a wholesaler.

If you are a combination distributor and obtain some of your pork from a source affiliated with you, you may, on the sale of any wholesale pork cut to buyers other than purveyors of meals, add the additions specified in subdivision (1), (3), or (4) of section 43 (a) as if you were a wholesaler, if that wholesale pork cut was derived from pork which you obtained from an unaffiliated source. You may not add this addition unless the wholesale pork cut sold (except such wholesale pork cuts as are listed in the following sentence of this paragraph) bears the appropriate registration number of the non-affiliated source required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the non-affiliated source from which you bought. On sales to buyers other than purveyors of meals of the cuts listed in items 8, 23, 24, and 34 of section 20, all cuts listed in section 22 (except item 1 of that section), all cuts listed in section 24 (except items 8, 9, and 13 of that section), and all cuts listed in section 26 (except items 10, 11, and 16 of that section), you may, although the cut does not bear the appropriate registration number, or any wrapping or packaging bearing the name or identification, of the non-affiliated source, add this addition if that cut was derived from pork obtained from an unaffiliated source.

3. Section 60 (d) is amended to read as follows:

(d) "Combination distributor" means any establishment which does not sell to ultimate consumers more than 50 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

4. Section 60 (g) is amended to read as follows:

(g) "Hotel supply house" means any establishment which sold or delivered to purveyors of meals during 1950 not less than 70 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154).

Effective date: This amendment shall become effective June 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 13, 1952.

[F. R. Doc. 52-6632; Filed, June 13, 1952; 12:46 p. m.]

[Ceiling Price Regulation 92, Amdt. 6]

CPR 92—LAMB, YEARLING AND MUTTON PRODUCTS SOLD AT WHOLESALE

COMBINATION DISTRIBUTOR AND HOTEL SUPPLY HOUSE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 6 to Ceiling Price Regulation 92 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment changes the definition of "hotel supply house" and "combination distributor" and revises certain ceiling prices for hotel supply house and combination distributor sales.

This amendment parallels and is substantially identical with Amendment 12 to Ceiling Price Regulation 24, issued concurrently herewith. The Statement of Considerations issued in connection with that amendment applies equally to this amendment and therefore is incorporated herein.

AMENDATORY PROVISIONS

Ceiling Price Regulation 92 is amended in the following respects:

1. Section 20, Schedule 1, Special Adjustment 4 is amended to read as follows:

(4) If you are a hotel supply house, and you do not obtain any lamb, yearling or mutton product from any source affiliated with you, you may add $1.50 per hundredweight to the prices listed above, except on sales to purveyors of meals, in which case you may add $6.00 per hundredweight to the prices listed above. If you are a hotel supply house, and you obtain some of your lamb, yearling or mutton products from a source affiliated with you, you may add $1.50 per hundredweight to the prices listed above, on sales of any of these items which are derived from lamb, yearling or mutton products which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $6.00 per hundredweight to the prices listed above regardless of source; however, you may not take this addition (except on sales to purveyors of meals) unless the item sold bears the appropriate registration number of the non-affiliated source required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the non-affiliated source from whom you bought. If you are a ship supplier you may add to the prices listed above $6.00 per hundredweight on sales to ship operators. In all cases, you may not charge the additions permitted in this adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

2. Section 20, Schedule 1, Special Adjustment 5 is amended to read as follows:

(5) If you are a combination distributor and you do not obtain any lamb, yearling or mutton product from any source affiliated with you, you may add $2.00 per hundredweight to the prices listed above, except on sales to purveyors of meals, in which case you may add $4.50 per hundredweight to the prices listed above. If you are a com-

bination distributor and you obtain some of your lamb, yearling or mutton products from a source affiliated with you, you may add $2.00 per hundredweight to the prices listed above, on sales of any of these items which are derived from lamb, yearling or mutton products which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $4.50 per hundredweight to the prices listed above regardless of source; however, you may not take this addition (except on sales to purveyors of meals) unless the item sold bears the appropriate registration number of the non-affiliated source required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the non-affiliated source from whom you bought. In all cases, you may not charge the additions permitted in this adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

3. The definition of combination distributor in section 50 is amended to read as follows:

Combination distributor means any establishment which does not sell to ultimate consumers more than 50 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

4. The definition of hotel supply house in section 50 is amended to read as follows:

Hotel supply house means any establishment which sold or delivered to purveyors of meals during 1950 not less than 70 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 13, 1952.

[F. R. Doc. 52-6633; Filed, June 13, 1952; 12:46 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Stabilization Regulation 1, Amdt. 2]

GSSR 1—STABILIZATION OF SALARIES AND OTHER COMPENSATION OF PERSONS EMPLOYED IN BONA FIDE EXECUTIVE ADMINISTRATIVE, PROFESSIONAL OR OUTSIDE SALESMEN CAPACITIES, NOT REPRESENTED BY LABOR ORGANIZATIONS

ADJUSTMENTS FOR EMPLOYEES OF CREDIT UNIONS

STATEMENT OF CONSIDERATIONS

The Wage Stabilization Board by Amendment 1 to General Regulation 7 has placed adjustments for employees of credit unions organized under the Federal Credit Union Act or the laws relating to credit unions of any state or territory of the United States on the same basis as adjustments in salaries and other compensation of religious, charitable and educational organizations. The Salary Stabilization Board has determined to grant the same latitude in the adjustments of the salaries and other compensation of such employees as is granted by the Wage Stabilization Board.

In the formulation of this regulation, due consideration has been given to standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended.

AMENDATORY PROVISION

Paragraph (a) of section 9 of General Salary Stabilization Regulation 1, as amended, is amended to read as follows:

SEC. 9. *Adjustments for employees of religious, charitable and educational organizations.* (a) Religious, charitable, scientific, literary, educational organizations and cemetery companies which are exempt from Federal income taxes under section 101 (5) and (6) of the Internal Revenue Code, and credit unions authorized under the Federal Credit Union Act or the laws relating to credit unions of any state or territory of the United States and which are exempt from Federal income taxes under section 101 of the Internal Revenue Code, may adjust the salaries or other compensation of their employees without prior approval of the Office of Salary Stabilization except as provided in paragraphs (b) and (c) of this section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Adopted by the Salary Stabilization Board on June 3, 1952.

JUSTIN MILLER,
Chairman.

[F. R. Doc. 52-6753; Filed, June 17, 1952; 12:03 p. m.]

Subchapter B—Wage Stabilization Board

[General Wage Procedural Regulation, Amdt. 3]

GENERAL WAGE PROCEDURAL REGULATION

ORGANIZATION OF REGIONAL BOARDS; TERRITORY OF ALASKA

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Law 96, 82d Cong.); Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this Amendment 3 to the General Wage Procedural Regulation (16 F. R. 10018) is hereby issued.

AMENDATORY PROVISION

Section 2.2 (a) is amended by substituting for Paragraph XIII the following:

XIII. (Seattle): Idaho, Oregon, Washington, Territory of Alaska.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Unanimously adopted by the Wage Stabilization Board on June 3, 1952.

NATHAN P. FEINSINGER,
Chairman.

[F. R. Doc. 52-6626; Filed, June 17, 1952; 8:49 a. m.]

[General Wage Regulation No. 19, Revised]

GWR 19—HEALTH AND WELFARE PLANS

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Law 96, 82d Cong.); Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this General Wage Regulation No. 19, Revised is hereby issued.

STATEMENT OF CONSIDERATIONS

On December 23, 1951, the Board issued GWR 19 and Board Resolution 78, governing the establishment of new plans and the amendment of existing plans providing for certain health and welfare benefits. Based upon its experience in administering this policy, the tripartite Health and Welfare Committee, established by the Wage Stabilization Board pursuant to GWR 19, unanimously recommended to the Board on May 29, 1952 the adoption of the basic policy set forth in this revision of GWR 19.

Health and Welfare plans are so varied that detailed requirements in terms of benefits, costs, or a combination of these and other factors unduly limit the parties in their choice of a plan which is best adapted to their particular needs. This amended regulation, like GWR 21 dealing with pension plans, sets up a limited number of basic requirements which health and welfare plans must meet to qualify for approval. Otherwise, it permits a wide area within which employers, or employers and unions, may determine for themselves the provisions of new or amended plans. The regulation provides, however that the Board shall disapprove any plan which it deems to be unstabilizing. The report and review procedure will prevent institution of health and welfare plans which are unstabilizing.

Parties desiring to establish or amend plans covered by this regulation are required to file a report on a prescribed form with the Board. The report will be acknowledged and, unless the parties are notified to the contrary within 30 days after the date of the letter of acknowledgment, they may thereupon put the plan into effect as of the effective date provided for in the plan. Reports of plans providing health and welfare benefits not specifically listed in this regulation, or providing benefits which may appear, on preliminary review, to be unstabilizing are treated as petitions for specific Board approval and the parties will be notified accordingly. Such plans may not be put into effect unless and until the parties receive notification of Board approval.

Section 6 provides continuing review of this regulation by a tripartite committee. Should that experience indicate

the need for further changes in Board policy, such changes will be made in sufficient time to prevent impairment of the wage stabilization program.

In the formulation of this regulation, the Board has given due consideration to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended. This amended regulation has received the approval of the Economic Stabilization Administrator.

REGULATORY PROVISIONS

Sec.
1. New or amended health and welfare plans.
2. Extension of existing plans.
3. Procedure for modification of existing prepayment plans by an organization.
4. Plans required under Federal or state law.
5. Reporting and waiting period provisions.
6. Tripartite Health and Welfare Committee.
7. Relationship to other regulations and resolutions.
8. Definitions.
9. Plan in effect on or before January 25, 1951 or thereafter approved by the Board.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 96, 82d Cong. Interpret or apply Title IV, 64 Stat. 816, as amended, Pub. Law 96, 82d Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; E. O. 10233, Apr. 21, 1951, 16 F. R. 3503, 3 CFR, 1951 Supp.

SECTION 1. *New or amended health and welfare plans.* An employer, or an employer and union, as the case may be, may put into effect a new health and welfare plan or modify an existing plan to provide one or more of the health and welfare benefits defined below, subject to the reporting and review provisions of section 5.

(a) *Temporary disability and paid sick leave.* Cash payments which indemnify an employee for wage loss while disabled by any injury or illness, including paid sick leave.

(b) *Hospital expense.* Partial or complete payment of expenses incurred by an employee or his dependents for (1) hospital room and board charges, other than private accommodations, and (2) other hospital costs, typically called "extras" or "miscellaneous charges".

(c) *Surgical expense.* Partial or complete payment of surgical expenses incurred by an employee or his dependents, including surgical care in obstetrical cases.

(d) *Medical expense.* Partial or complete payment of medical expenses incurred by an employee or his dependents, other than those expenses covered by surgical or hospital expense benefits.

(e) *Group life insurance.* A benefit, payable upon the death or permanent and total disability of an employee, provided on a group term or equivalent basis.

(f) *Accidental death and dismemberment.* A benefit payable upon the accidental death or dismemberment of an employee.

SEC. 2. *Extension of existing plans.* An employer, or an employer and union, as the case may be, may, subject to the reporting and review provisions of section 5, extend an existing health and welfare plan, without modification.

(a) To smaller employment units within the same plant or establishment, or,

(b) From a group of employees in one geographical unit of a multiplant employer to a similar group of employees in another geographical unit of the same employer.

Such extension may be made even though the plan does not conform to the definitions contained in section 1.

SEC. 3. *Procedure for modification of existing prepayment plans.* An organization offering a standard prepayment hospital expense, surgical expense or medical expense plan, which modifies any such plan, may file a petition for approval of the modified plan with the Wage Stabilization Board, Washington 25, D. C. Such petition shall be considered by the Health and Welfare Committee, established in section 6.

Upon approval of the modified plan, employers, or employers and unions, are authorized to put such approved plan into effect for employees covered by the existing plan without filing the report required under section 5,

(a) If employee contributions have been previously established on a percentage basis, such percentage is not decreased, or

(b) If employee contributions have been previously established on a fixed basis, such amount is not decreased.

SEC. 4. *Plans required under Federal or State law.* An employer, or an employer and union, as the case may be, may put into effect without prior Board approval, and without regard to the reporting and review provisions of section 5, a new health and welfare plan or an amendment to a health and welfare plan required by Federal or State law.

SEC. 5. *Reporting and waiting period provisions.* (a) Parties wishing to put a health and welfare plan into effect shall file details of the plan, on a prescribed form, directly with the Wage Stabilization Board, Washington 25, D. C., and they will be notified by letter that the report has been received.

(b) Unless the parties receive a further communication pertaining to such plan from the Board within 30 days from the date of the acknowledgement letter, they may put such plan into effect as of the effective date of the plan.

(c) Reports of plans which do not satisfy the requirements of sections 1 or 2, or which may appear, on preliminary review, to be unstabilizing, shall be treated as petitions for Board approval, and the parties notified accordingly. Such plans may not be put into effect unless and until the parties receive notification of Board approval.

SEC. 6. *Tripartite Health and Welfare Committee.* There is hereby established a tripartite committee, to be called the Health and Welfare Committee. This Committee shall review cases which do not meet the definitions in secton 1 or which may appear to be unstabilizing. The Committee shall perform such other functions as the Board may determine. The Committee shall review this Regulation in the light of experience hereunder and shall report to the Wage Stabilization Board its actions and recommendations from time to time.

SEC. 7. *Relationship to other regulations and resolutions.* (a) Health and Welfare benefits, as defined in this regulation, may be established or modified only in accordance with the procedure set forth herein. Such benefits may not be put into effect through an unexpended balance, available under the self-administering provisions of GWR 6 or under any other Board regulation or resolution.

(b) Benefits hereafter approved by the Board under this regulation will not be charged against increases permissible under any other Board Regulation or resolution.

(c) Employers who have established or modified any benefit covered by this regulation, under the provisions of GWR 6, subsequent to January 25, 1951, and before the date of this regulation, may petition the Board for the elimination of the cost of such benefit from the amount chargeable against the permissible general wage increase under GWR 6, to the extent that such benefit was so charged.

SEC. 8. *Definitions*—(a) *Plan.* The word "plan", as used in this regulation, shall include, but shall not be limited to, health and welfare benefits provided by means of any of the following: Insurance through a stock, mutual, or cooperative organization; a prepayment organization; a self-insured plan administered by the employer, the employees, their representatives, or a third party; or any combination thereof.

(b) *Employee.* For the purposes of this regulation, the term "employee" includes retired employees.

SEC. 9. *Plan in effect on or before January 25, 1951, or thereafter approved by the Board.* Nothing in this regulation shall be construed to prevent the continuance or renewal of a health and welfare plan which was in effect on or before January 25, 1951, or thereafter approved by the Wage Stabilization Board.

Board Resolution 78 "Review Criteria to be used by the Staff for Processing Health and Welfare Plans", is hereby rescinded.

NOTE: The reporting requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board on June 4, 1952.

NATHAN P. FEINSINGER,
Chairman.

[F. R. Doc. 52-6827; Filed, June 17, 1952; 8:49 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-6A, Direction 1 as Amended June 16, 1952]

M-6A—STEEL DISTRIBUTORS

DIR. 1—TREATMENT OF PURCHASE ORDERS BEARING CERTAIN ALLOTMENT SYMBOLS

This amended direction to NPA Order M-6A is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as

amended. In the formulation of this amended direction consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1. What this direction does.
2. Treatment of authorized controlled material orders bearing certain allotment symbols.
3. Additional tonnage for authorized controlled material orders bearing certain allotment symbols.
4. Certification and identification.
5. Expiration.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction requires steel distributors to accept authorized controlled material orders bearing allotment symbols A, B, C, or E, and a digit, or Z–2, in preference to other authorized controlled material orders, whenever the particular product ordered may be filled from the inventory of a steel distributor. It provides that the minimum tonnage required to be shipped by producers to steel distributors under NPA Order M–6A must be increased upon certification by a steel distributor that he is entitled to additional tonnage because of deliveries by him from inventory on authorized controlled material orders bearing allotment symbols N–8 or Z–2.

SEC. 2. *Treatment of authorized controlled material orders bearing certain allotment symbols.* Each steel distributor is hereby required to accept authorized controlled material orders bearing allotment symbols A, B, C, or E, and a digit, or Z–2, in preference to other authorized controlled material or other purchase orders, whenever the particular product ordered may then be filled from the inventory of such steel distributor. This requirement is subject to the right of a steel distributor to reject any such order if the person seeking to place such order is unwilling or unable to meet such distributor's regularly established prices and terms of sale or payment, and is also subject to the provisions of section 4 of CMP Regulation No. 4.

SEC. 3. *Additional tonnage for authorized controlled material orders bearing certain allotment symbols.* (a) Commencing January 21, 1952, a steel distributor who, during the months of November and December 1951, has delivered any one or more steel products from his inventory to fill authorized controlled material orders bearing the allotment symbol N–8 or Z–2 may place a purchase order or orders in accordance with the provisions of paragraph (c) of this section requiring shipment to him of a tonnage of each such steel product equivalent to 12½ percent of the total tonnage of such product so delivered on such N–8 or Z–2 orders during the months of November and December 1951. The tonnage of any product determined by the percentage specified in the preceding sentence is hereinafter called "additional tonnage."

(b) In any month commencing with February 1952, a steel distributor who, during the calendar month immediately preceding such month, has delivered any one or more steel products from his inventory to fill authorized controlled material orders bearing the allotment symbol Z–2 may place a purchase order or orders in accordance with the provisions of paragraph (c) of this section requiring shipment to him of a tonnage of each such steel product equivalent to 25 percent of the total tonnage of such product so delivered on Z–2 orders during such preceding calendar month. The tonnage of any product determined by the percentage specified in the preceding sentence shall be hereinafter called "additional tonnage."

(c) Each producer is hereby required to accept any purchase order or orders from a steel distributor customer for additional tonnage under and pursuant to the provisions of this section, and identified and certified as required by section 4 of this direction; and any such additional tonnage shall be in addition to the tonnage required to be shipped by such producer to such steel distributor customer pursuant to section 4 of NPA Order M–6A. Orders placed pursuant to this section with producers must be placed in accordance with the lead times for the various steel products set forth in Schedule III of CMP Regulation No. 1, as amended from time to time, and in conformance with NPA Order M–6A and any other applicable NPA orders and regulations. If more than one producer supplied a steel distributor with any steel product, an additional tonnage of which steel product he is entitled to receive hereunder, such steel distributor shall order from each such producer a proportion of the total additional tonnage of such steel product which such distributor is entitled to order under paragraphs (a) and (b) of this section based on the proportion that the base tonnage of such steel product supplied to him by each producer bears to the total base tonnage of such steel product supplied by all producers.

SEC. 4. *Certification and identification.* (a) In ordering additional tonnage of steel products from producers pursuant to section 3 of this direction, each steel distributor is hereby required to identify each purchase order as a Direction 1, M–6A order. Such identification shall be placed or stamped on each purchase order in a prominent place so that the order may readily be identified as a Direction 1, M–6A purchase order.

(b) In ordering additional tonnage of steel products from producers pursuant to section 3 of this direction, each steel distributor is hereby required to certify said purchase order in the following form:

Certified under Direction 1 to NPA Order M–6A

Such certification shall be signed as provided in NPA Reg. 2, and shall constitute a representation that, subject to the criminal penalties provided for in applicable statutes of the United States, the steel distributor is authorized by the provisions of section 3 of this direction to place such purchase order and that the amount ordered is within the total additional tonnage authorized by that section.

SEC. 5. *Expiration.* This direction shall expire on December 31, 1952. The expiration of this direction on December 31, 1952, shall not relieve any person of any obligation or liability incurred hereunder, nor deprive any person of any rights received or accrued prior to said date, it being the intent hereof that steel distributors may place orders with producers for additional tonnage pursuant to section 3 of this direction until December 31, 1952.

This direction shall take effect June 16, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–6726; Filed, June 16, 1952; 4:28 p. m.]

[NPA Order M–45, Schedule 1, Revocation]

M–45—ALLOCATION OF CHEMICALS AND ALLIED PRODUCTS

SCHED. 1—NAPHTHENIC ACID

REVOCATION

Schedule 1 (16 F. R. 2880) to NPA Order M–45 is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurrred under Schedule 1 to NPA Order M–45, nor deprive any person of any rights received or accrued under that schedule prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect June 17, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–6740; Filed, June 17, 1952; 11:17 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 8]

[Rent Regulation 2, Amdt. 7]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

RENTS RECEIVED SUBJECT TO REFUND

Effective June 18, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Section 96 of Rent Regulation 1 is amended to read as follows:

SEC. 96. *Rents received subject to refund.* If the Director finds, in cases where the maximum rent is established under section 91, 93, 94, 95 or 101, that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental period commencing on or after the date the maximum rent was established under any such section, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 157 or 162: *Provided however,* That the order under section 157 or 162 may relieve the landlord or any successor landlord of the duty to refund the excess rent for any rental period during which the landlord or any successor landlord neither negligently failed nor deliberately refused to register. The landlord or any successor landlord shall have the duty to refund only if the order under section 157 or 162 is issued in a proceeding commenced by the director within 3 months after the date of filing of such registration statement. If a refund is required by the order under section 157 or 162, such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2.

2. Section 157 (b) of Rent Regulation 2 is amended to read as follows:

(b) Where the maximum rent for said room was originally established under paragraph (b) or (c) of section 4 of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or where the maximum rent is established under section 83, 84, 91, 94 or 99, and the Director finds that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental period commencing on or after July 1, 1948, or the date the maximum rent was established under any such section, whichever is later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section: *Provided, however,* That the order under this section may relieve the landlord or any successor landlord of the duty to refund the excess rent for any rental period during which the landlord neither negligently failed nor deliberately refused to register. The landlord or any successor landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Director within 3 months after the date of the filing of such registration statement. If a refund is required by the order under this section such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2.

[F. R. Doc. 52-6679; Filed, June 17, 1952; 8:56 a. m.]

[Rent Regulation 3, Amdt. 7]

[Rent Regulation 4, Amdt. 1]

RR 3—HOTELS

RR 4—MOTOR COURTS

RENTS RECEIVED SUBJECT TO REFUND

Effective June 18, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Section 84(b) of Rent Regulation 3 is amended to read as follows:

(b) Where the maximum rent is established under section 47, 48, 49 or 53, and the Director finds that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental period commencing on or after the date the maximum rent was established under any such section, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section: *Provided, however,* That the order under this section may relieve the landlord or successor landlord of the duty to refund the excess rent for any rental period during which the landlord or successor landlord neither negligently failed nor deliberately refused to register. The landlord or successor landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Director within 3 months after the date of filing of such registration statement. If a refund is required by the order under this section such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2.

* * * * *

2. Section 157 (b) of Rent Regulation 4 is amended to read as follows:

(b) Where the maximum rent is established under section 51, 53 or 55, and the Director finds that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental period commencing on or after the date the maximum rent was established under any such section, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section: *Provided, however,* That the order under this section may relieve the landlord or any successor landlord of the duty to refund the excess rent for any rental period during which the landlord neither negligently failed nor deliberately refused to register. The landlord or any successor landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Director within 3 months after the date of the filing of such registration statement. If a refund is required by the order under this section such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2.

* * * * *

[F. R. Doc. 52-6680; Filed, June 17, 1952; 8:56 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 1—GENERAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. In § 1.518, paragraph (c) is amended to read as follows:

§ 1.518 *Addresses of claimants.*

* * *

(c) When an address is requested that may not be furnished under §§ 1.500 to 1.526, the person making the request will be informed that a letter, or in those cases involving judicial actions, the process or notice in judicial proceedings, enclosed in an unsealed envelope showing no return address, with the name of the addressee thereon, and bearing sufficient postage to cover mailing costs will be forwarded by the Veterans' Administration. If a request indicates that judicial action is involved in which a process or notice in judicial proceedings is required to be forwarded, the Veterans' Administration will inform the person who requests the forwarding of such a document that the envelope must bear sufficient postage to cover mailing and registry costs, including cost of obtaining receipt for the registered mail when transmission by this type special mail is desired. At the time the letter, process, or notice in judicial proceedings is forwarded, the station return address will be placed on the envelope. When the receipt for registered mail or the undelivered envelope is returned to the Veterans' Administration, the original sender will be notified thereof; however, the receipt or the envelope will be retained by the Veterans' Administration. This provision will be applicable only when it does not interfere unduly with the functions of the service or division concerned. In no event will letters be forwarded to aid in the collection of debts.

2. Sections 1.522 and 1.523 are revised to read as follows:

§ 1.522 *Determination of the question as to whether disclosure will be prejudicial to the mental or physical health of claimant.* Determination of the question when disclosure of information from the files, records, and reports, will be prejudicial to the mental or physical health of a claimant, beneficiary, or other person in whose behalf information is sought will be made by the chief medical director, central office; chief medical officer in the regional office or center; or the chief, professional service of a hospital, or their physician designates.

§ 1.523 *Veterans' Administration installation from which authorized disclosure will be made.* Where disclosure of information from the files, records, reports, and other papers and documents pertaining to claims filed with the Veterans' Administration is not restricted, such disclosure shall be made by the service, division, or activity in central office, district office, regional or Veterans' Administration office, hospital, or center having possession of the individual record or file from which the information is to be disclosed.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016; 38 U. S. C. 11a, 426. Interpret or apply sec. 30, 43 Stat. 615, as amended; 38 U. S. C. 456)

This regulation is effective June 18, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-6596; Filed, June 17, 1952; 8:45 a. m.]

PART 3—VETERANS CLAIMS

COMPUTATION OF ANNUAL INCOME

In § 3.228, paragraph (b) (5) is added and paragraph (c) (10) is amended to read as follows:

§ 3.228 *Computation of annual income for the purposes of Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), or section 1 (c) of Public No. 198, 76th Congress (act of July 19, 1939), as amended by section 11, Public Law 144, 78th Congress.* * * *

(b) *Benefits excluded from computation.* In determining annual income, benefits received from the following sources will not be considered: * * *

(5) Where the claimant is being maintained in a rest home (including a convalescent or nursing home, a home for the aged, or other establishment of similar character), money paid to the home or to the claimant to cover the cost of maintenance, which is not in remuneration for services, is not to be considered income, regardless of whether it is furnished by a charitable organization (civic or governmental) or by a friend or relative.

(c) *Income included in computation.* In determining annual income, payments and benefits received from the following sources will be considered: * * *

(10) Charitable donations from any source (except see paragraph (b) (5) of this section).

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective June 18, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-6597; Filed, June 17, 1952; 8:45 a. m.]

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

DEFINITIONS

In § 36.4501, paragraph (a) is amended to read as follows:

§ 36.4501 *Definitions.* * * *

(a) "Act" means Public Law 346, 78th Congress (58 Stat. 284), cited as "Servicemen's Readjustment Act of 1944," as amended by Public Law 268, 79th Congress (59 Stat. 626), Public Law 864, 80th Congress, 2d Session (62 Stat. 1206), Public Law 475, 81st Congress, 2d Session (64 Stat. 48), Public Law 139, 82d Congress, 1st Session (65 Stat. 293), and Public Law 325, 82d Congress, 2d Session (66 Stat. 64). (38 U. S. C., Supp. 694, et seq.)

* * * * *

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective June 18, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-6598; Filed, June 17, 1952; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 41—CONSTRUCTION, EXTENSION, ACQUISITION, OR OPERATION OF RAILROAD LINES

EXECUTION, FILING, AND DISPOSAL OF APPLICATION

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 26th day of May A. D. 1952.

There being under consideration Special Instructions Governing Applications under section 1 (18)–(20) of the Interstate Commerce Act, as amended, 49 U. S. C. 1 (18)–(20) for certificates authorizing the construction, extension, acquisition, or operation of lines of railroad (49 CFR Part 41):

It is ordered, That the section hereinafter indicated is hereby amended to read as follows:

§ 41.2 *Execution, filing, and disposal of application.* * * *

(b) The original application and nine copies for the use of the Commission shall be filed with the Secretary of the Commission, Washington, D. C. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself; the signatures in the copies may be stamped or typed, and the notarial seal may be omitted. Additional copies shall be furnished as directed by the Commission.

(c) Upon receipt of the application the Commission will transmit to the applicant a notice of the filing of the application, which notice shall be published by the applicant at least once during each of three consecutive weeks in some newspaper of general circulation in each county in which any part of the line proposed to be constructed, acquired, or operated is located. Upon receipt of notice from the Commission that the application has been received and assigned a stated docket number, the applicant shall serve, by first class mail, a conformed copy of the application on the governor and public service commission of each State in which any part of the proposed construction, acquisition, or operation would be located, accompanied by a notice that if they desire to be heard in the matter they should advise the Commission within 20 days of their interest in the proceeding. A certificate of such service shall be filed with this Commission.

(d) The return to the questionnaire, as set forth in this part, (§ 41.5 et seq.), shall be filed with the Commission as soon practicable, but not later than six weeks after receipt of notice of the filing of the application. Action will not be taken on the application, and a hearing thereon, if considered necessary by the Commission, will not be ordered until after the return to the questionnaire shall have been received. The applicant shall serve a copy of the return to the questionnaire on each governor and public service commission to whom a copy of the application was sent. A certificate of such service shall be filed promptly with the Commission.

It is further ordered, That this order shall be effective July 1, 1952, and shall continue in effect until the further order of this Commission.

And it is further ordered, That, except as herein amended, the order of February 7, 1941 (6 F. R. 1304), by the Commission, Division 4, shall remain in full force and effect, and that notice of this amendment will be given to the general public by posting copies in the Office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing with the Director of the Federal Register, Washington, D. C. (Sec. 1 (18) to (20) 49 Stat. 459; 49 U. S. C. (18)–(20))

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies 41 Stat. 476, as amended; 49 U. S. C. 1.)

By the Commission, Division 4.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6646; Filed, June 17, 1952; 8:55 a. m.]

PART 42—ABANDONMENT OF RAILROAD LINES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 26th day of May A. D. 1952.

There being under consideration Special Instructions Governing Applications under section 1 (18)–(20) of the Interstate Commerce Act, as amended, 49 U. S. C. 1 (18)–(20), for permission to abandon lines of railroad or operation thereof (49 CFR Part 42):

It is ordered, That the sections hereinafter indicated are hereby amended to read as follows:

§ 42.4 *Filing of application.* The original application and 10 copies for the use of the Commission shall be filed with the Secretary of the Commission, Washington, D. C. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself; the signatures in the copies may be stamped or typed, and the notarial seal may be omitted.

§ 42.5 *Notice of application.* Upon receipt of the application, the Commission will:

(a) Transmit to the applicant a notice of the filing of the application, which notice shall be published by the applicant at least once during each of three (3) consecutive weeks in some newspaper of general circulation in each county in which any part of the line of railroad sought to be abandoned is situated. Copy of notice shall also be posted in a conspicuous place at each station on the line sought to be abandoned. If there is no station on the line sought to be abandoned, the notice shall be posted at the nearest agency station on the applicant's line. Proof of publication and posting of the notice shall be filed promptly by the applicant;

(b) Upon receipt of notice from the Commission that the application has been received and assigned a stated docket number, the applicant shall serve,

by first class mail, a conformed copy of the application on the governor and public service commission of each State in which any part of the line of railroad sought to be abandoned is situated, accompanied by a notice that if they desire to be heard in the matter they should advise the Commission within 20 days of their interest in the proceeding. A certificate of such service shall be filed promptly with this Commission.

RETURN TO QUESTIONNAIRE

§ 42.6 *Filing and verification.* The questionnaire to be answered by the applicant is set forth in § 42.9. The return to such questionnaire shall be prepared as provided in § 42.2, and shall be duly verified under oath by an officer or agent of the applicant thereunto properly authorized. The return to the questionnaire may accompany the application, but in any event shall be filed not later than six weeks after receipt of the notice referred to in § 42.5 (b) for publication. The original return, duly verified, accompanied by ten copies for the use of the Commission shall be filed with the Secretary of the Commission, Washington, D. C.

§ 42.7 *Service.* The applicant shall serve a copy of the return to the questionnaire on each governor and public service commission to whom a copy of the application was sent. A certificate of such service shall be filed promptly with the Commission.

It is further ordered, That this order shall become effective July 1, 1952, and shall continue in effect until the further order of this Commission.

And it is further ordered, That, except as hereby amended, the order of November 27, 1941 (6 F. R. 6211), by the Commission, Division 4, shall remain in full force and effect, and that notice of this amendment will be given to the general public by posting copies in the Office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing with the Director of the Federal Register, Washington, D. C. (Sec. 1 (18) to (20), 49 Stat. 543, as amended; 49 U. S. C. 1 (18)–(20))

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply 41 Stat. 476, as amended; 49 U. S. C. 1)

By the Commission, Division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6647; Filed, June 17, 1952; 8:55 a. m.]

PART 56—ISSUANCE OF SECURITIES, ASSUMPTION OF OBLIGATIONS, AND FILING OF CERTIFICATES AND REPORTS

PROCEDURE

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 23d day of May A. D. 1952.

There being under consideration rules and regulations governing applications under sections 20a and 214 of the Interstate Commerce Act, 49 U. S. C. 20a and 314, for authority to issue securities and assume obligation or liability in respect of the securities of others and the filing of certificates of notification and reports relating to such issue and assumption (49 CFR 1949 Ed., Part 56);

It is ordered, That paragraphs (b) and (c) of § 56.3 *Procedure* are hereby amended to read respectively as follows:

§ 56.3 *Procedure.* * * *

(b) The original application and supporting papers, six copies thereof for use of the commission, shall be filed with the Secretary of the Interstate Commerce Commission, Washington, D. C., sufficiently in advance of the date of the proposed issue or assumption to give the commission reasonable time, not less than 30 days, for the notices and investigation required by law. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself, but the signatures in the copies may be stamped or typed, and the notarial seal may be omitted: *Provided,* That if unusual difficulties arise in the furnishing of any of the exhibits specified in paragraphs (a) to (f), inclusive, of § 56.2, the applicant may, with the consent of the commission, file not less than an original and two copies of such exhibit.

(c) Upon receipt of notice from the commission that the application has been received and assigned a stated docket number, the applicant shall by regular mail serve notice of the filing of such application upon, and file a copy of such application with, the governor of each state in which it operates or is authorized to do business, or in the case of holding companies, the governor of each state in which the applicant is incorporated or authorized to do business. A copy of such notice of filing shall also be served upon the public service commission or other appropriate authority of each such state. Such notice shall include a request that the governor, or other appropriate authority of the state, notify the commission within 15 days after the date upon which the application was filed with the commission if it is desired to make any representations or to be heard in the matter. A certificate of such notice and filing shall be filed promptly with the commission.

* * * * *

It is further ordered, That, except as hereby amended, the order of August 9, 1946 (11 F. R. 10120), by the Commission, Division 4, shall remain in full force and effect, and that notice of this amendment be given to the general public by posting copies in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing with the Director of the Federal Register, Washington, D. C. (41 Stat. 494, as amended, 49 Stat. 557, as amended; 49 U. S. C. 20a, 314).

And it is further ordered, That this order shall be effective July 1, 1952, and shall continue in effect until the further order of the commission.

(Sec. 12, 24 Stat. 383, as amended; 49 Stat. 546, as amended; 49 U. S. C. 546, as amended; 49 U. S. C. 12, 304. Interprets or applies sec. 439, 41 Stat. 494, as amended, 49 Stat. 557, as amended; 49 U. S. C. 20a, 314)

By the Commission, Division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6645; Filed, June 17, 1952; 8:54 a. m.]

[S. O. 884, Amdt. 1]

PART 95—CAR SERVICE

MOVEMENT OF IRON ORE RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of June, A. D. 1952.

Upon further consideration of Service Order No. 884 (17 F. R. 5193), and good cause appearing therefor: It is ordered, that:

Section 95.884 *Movement of iron ore restricted; appointment of agent* of Service Order No. 884 be, and it is hereby further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 6:59 a. m., June 16, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6648; Filed, June 17, 1952; 8:55 a. m.]

[S. O. 885, Amdt. 1]

PART 95—CAR SERVICE

MOVEMENT OF IMPORT ORES RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of June, A. D. 1952.

Upon further consideration of Service Order No. 885 (17 F. R. 5194), and good cause appearing therefor: It is ordered, that:

Section 95.885 *Movement of import ores restricted; appointment of agent* of

Service Order No. 885 be, and it is hereby further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 6:59 a. m., June 16, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6649; Filed, June 17, 1952; 8:55 a. m.]

[S. O. 886, Amdt. 1]

PART 95—CAR SERVICE

DEMURRAGE ON CARS HELD UNDER LOAD AT GREAT LAKES PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of June, A. D. 1952.

Upon further consideration of Service Order No. 886 (17 F. R. 5194), and good cause appearing therefor: It is ordered, That:

Section 95.886 *Demurrage on cars held under load at Great Lakes ports* of Service Order No. 886 be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 6:59 a. m., June 16, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6650; Filed, June 17, 1952; 8:55 a. m.]

[S. O. 865-C]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of June A. D. 1952.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1481, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102; 17 F. R. 896, 1857, 2850, 3166, 3886, 4169, 4823, 4824, 5193), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars* of Service Order No. 865 be, and it is hereby suspended until 7:00 a. m., July 1, 1952.

It is further ordered, that this order shall become effective at 7:00 a. m., June 16, 1952; that a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6678; Filed, June 17, 1952; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 51]

U. S. STANDARDS FOR PERSIAN (TAHITI) LIMES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United States Standards for Persian (Tahiti) Limes under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved Aug. 31, 1951) to supersede United States Standards for Persian (Tahiti) Limes effective May 1, 1939.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth (30) day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.272 *Standards for Persian (Tahiti) limes*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of Persian Limes which are firm, fairly well formed, of fairly smooth texture, which are free from decay, stylar end breakdown or other internal discoloration, broken skins which are not healed, bruises (except those incident to proper handling and packing), hard or dry skins, and free from damage caused by freezing, dryness or mushy condition, sprayburn, exanthema (ammoniation), scars, thorn scratches, scale, sunburn, scab, blanching, discoloration, buckskin, dirt or other foreign material, disease, insects or mechanical or other means.

(i) The limes shall have a good green color: *Provided*, That lots of limes which meet all the requirements of this grade except as to color shall be designated as "U. S. No. 1 Turning" if the limes in each container have started to show yellow color, or as "U. S. No. 1 Mixed Color" if the limes in each container fail to meet the color requirements of either U. S. No. 1 or U. S. No. 1 Turning.

(ii) The fruit shall have a juice content of not less than 42 percent, by volume.

(iii) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for decay, stylar end breakdown, broken skins which are not healed, or defects causing serious damage, including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

(2) *U. S. No. 2.* U. S. No. 2 consists of Persian Limes which are fairly firm, which are not badly deformed, and not of excessively rough texture, which are free from decay, stylar end breakdown or other internal discoloration, broken skins which are not healed, bruises (except those incident to proper handling and packing), and hard or dry skins, and free from serious damage caused by freezing, dryness or mushy condition, sprayburn, exanthema (ammoniation), scars, thorn scratches, scale, sunburn, scab, discoloration, buckskin, dirt or other foreign material, disease, insects or mechanical or other means.

(i) The limes shall have good green color: *Provided*, That lots of limes which meet all the requirements of this grade except as to color shall be designated as "U. S. No. 2 Turning" if the limes in each container have started to show yellow color, or as "U. S. No. 2 Mixed Color" if the limes in each container fail to meet the color requirements of either U. S. No. 2 or U. S. No. 2 Turning.

(ii) The fruit shall have a juice content of not less than 42 percent, by volume.

(iii) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for decay, stylar end breakdown, and broken skins which are not healed, including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

(3) *U. S. Combination grade.* A lot of limes may be designated "U. S. Combination" when not less than 75 percent, by count, of the limes in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade.

(i) The limes shall have good green color: *Provided*, That lots of limes which meet all the requirements of this grade except as to color shall be designated as "U. S. Combination Turning" if the limes in each container have started to show yellow color, or as "U. S. Combination Mixed Color" if the limes in each container fail to meet the color requirements of either U. S. Combination or U. S. Combination Turning.

(ii) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of the lower grade in the combination, but not more than one-half of this amount, or 5 percent, shall be allowed for limes affected by decay, stylar end breakdown, and broken skins which are not healed, including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination.

(iii) No part of the above tolerances shall be allowed to reduce for the lot as a whole, the 75 percent of U. S. No. 1 limes required in the U. S. Combination Grade, but individual containers may have not less than 65 percent of the higher grade.

(b) *Unclassified.* Unclassified consists of Persian Limes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(i) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(ii) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

(d) *Definitions.* (1) "Firm" means that the fruit is not soft or flabby.

(2) "Fairly well formed" means that the fruit shows normal characteristic shape for the Persian variety and is not materially flattened on one side.

(3) "Fairly smooth texture" means that the fruit is comparatively free from lumpiness and that pebbling is not abnormally coarse. Coarse pebbling is not objectionable as it is indicative of good keeping quality and is characteristic of the fruit, especially that from young trees.

(4) "Stylar end breakdown" is a physiological breakdown starting as a sunken area at the base of the nipple. A brownish discoloration develops in the rind. As it progresses the color of the affected area becomes light drab to drab but the area remains firm unless infected with secondary organisms that cause soft decay.

(5) "Damage" means any defect that materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Dryness or mushy condition which extends into all segments more than one-eighth of an inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(ii) Sprayburn which changes the color to such an extent that the appearance of the fruit is materially affected, or which causes scarring that in the aggregate exceeds the area of a circle one-fourth inch in diameter;

(iii) Exanthema (ammoniation) which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid scarring (not cracked), or depressions which in the aggregate exceed the area of a circle one-half inch in diameter;

(iv) Scars which are dark, rough, or deep and in the aggregate exceed the area of a circle one-fourth inch in diameter, or scars which are fairly light in color, slightly rough, or of slight depth and in the aggregate exceed the area of a circle one-half inch in diameter, or scars which are light colored, fairly smooth, with no depth and aggregate more than 10 percent of the fruit surface;

(v) Thorn scratches, when the injury is not well healed, or when dark colored, rough or deep and in the aggregate exceeds the area of a circle one-fourth inch in diameter, or when light colored, fairly smooth and concentrated and in the aggregate exceeds the area of a circle one-half inch in diameter, or light colored and scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the aggregate area of one-half inch permitted for light colored concentrated injury;

(vi) Scale, when more than ten medium to large California red or purple scale adjacent to button at stem end, or scattered over the fruit, or any scale which affects the appearance of the fruit to a greater extent;

(vii) Sunburn which causes appreciable flattening of the fruit, drying of the skin, material change in the color of the skin, appreciable drying of the flesh underneath the affected area or affects more than 5 percent of the fruit surface;

(viii) Scab which materially affects the shape or texture;

(ix) Blanching, when more than 10 percent of the surface of the fruit shows a whitish area owing to shading, resting on the surface of the ground, or contact with other fruits on the tree. These whitest areas are not to be confused with fruit that is turning, the color of which is more of a greenish yellow;

(x) Discoloration caused by rust mite, melanose or other means, when fairly smooth and more than 10 percent of the fruit surface is affected, or when slightly rough and in the aggregate exceeds the area of a circle one-half inch in diameter; and,

(xi) Buckskin, when more unsightly than the maximum of discoloration allowed, or the fruit texture is materially affected.

(6) "Good green color" means that the skin of that part of the lime free from permissible injury shall be of a good green color characteristic of the Persian variety.

(7) "Fairly firm" means that the fruit is not soft or excessively flabby.

(8) "Badly deformed" means that the fruit is seriously misshapen from any cause.

(9) "Excessively rough texture" means that the skin is badly ridged or very decidedly lumpy.

(10) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Dryness or mushy condition which extends into all segments more than one-fourth of an inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(ii) Sprayburn which changes the color to such an extent that the appearance of the fruit is seriously injured or which causes scarring that in the aggregate exceeds the area of a circle one-half inch in diameter;

(iii) Exanthema (ammoniation) which occurs as small spots over more than 25 percent of the fruit surface, or as solid scarring (not cracked), or depressions which aggregate more than 10 percent of the fruit surface;

(iv) Scars which are dark, rough, or deep and aggregate more than 5 percent of the fruit surface, or scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than 10 percent of the fruit surface, or scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface;

(v) Thorn scratches, when the injury is not well healed, or when dark colored, rough or deep and aggregates more than 5 percent of the fruit surface, or when light colored, fairly smooth and concentrated and aggregates more than 10 percent of the fruit surface, or light colored and scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the 10 percent light colored concentrated injury;

(vi) Scale, California red or purple scale concentrated as a ring or blotch when the average outside diameter exceeds one-half inch, or more than the equivalent of this amount when scattered over the fruit surface;

(vii) Sunburn which causes decided flattening of the fruit, marked drying or dark discoloration of the skin, material drying of the flesh underneath the affected area, or which affects more than 10 percent of the fruit surface;

(viii) Scab which seriously affects shape or texture;

(ix) Discoloration caused by rust mite, melanose or other means, when fairly smooth and more than 50 percent of the fruit surface is affected, or when slightly rough and more than 25 percent of the fruit surface is affected; and,

(x) Buckskin, when more unsightly than the maximum of discoloration allowed or the fruit texture is seriously affected.

Done at Washington, D. C., this 13th day of June 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-6682; Filed, June 17, 1952; 8:57 a. m.]

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF CANNED SWEET CHERRIES

EXTENSION OF TIME

Proposed revised United States Standards for Grades of Canned Sweet Cherries were set forth in the notice which was published in the FEDERAL REGISTER on April 29, 1952 (17 F. R. 3796).

In consideration of comments and suggestions received indicating the need for further study of the proposed changes, notice is hereby given of an extension until November 1, 1952, of the period of time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed revision of the United States Standards for Grades of Canned Sweet Cherries.

Done at Washington, D. C., this 13th day of June 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-6681; Filed, June 17, 1952; 8:57 a. m.]

[7 CFR Part 975]

[Docket No. AO-179-A9]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Allerton Hotel, 1802 East Thirteenth Street, Cleveland, Ohio, beginning at 10:00 a. m., e. s. t., June 25, 1952, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (7 CFR 975.0 et seq.). The amendments proposed have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic conditions which relate to the proposed amendments hereinafter set forth:

The following amendment has been proposed by the Milk Producers Federation of Cleveland:

Proposal No. 1. Delete § 975.61 and substitute the following:

§ 975.61 *Class I milk prices.* The price to be paid by each handler f. o. b. his plant for the portion of skim milk and butterfat in milk received from producers and from an association of producers which is classified as Class I milk shall be computed by the Market Administrator as follows:

(a) Add to the basic formula price $1.10 during the months of May and June, $1.45 during the months of March, April, July and August and $1.90 during the months of January, February, September, October, November and December, and add or subtract a "supply-demand adjustment," computed as follows:

(1) Divide the total receipts of producer milk in the immediately preceding delivery period by the total gross volume of Class I milk for such period, multiply the result by 100, and round to the nearest whole number. The result will be known as the "current supply-demand relationship."

(2) Compute a net deviation of percentage by determining the difference between the "current supply-demand relationship" computed pursuant to subparagraph (1) of this paragraph, and the "representative supply-demand index" shown below.

Delivery period for which Class I price is computed	Delivery period used to compute relationship	Representative supply-demand (index)
January	December	122
February	January	129
March	February	133
April	March	142
May	April	156
June	May	180
July	June	175
August	July	153
September	August	140
October	September	133
November	October	129
December	November	120

(3) Determine the amount of supply-demand adjustment from the following schedule:

Deviation points:	*Adjustment amounts (cents)*
+14 or more	−28
+13	−26
+12	−24
+11	−22
+10	−20
+9	−18
+8	−16
+7	−14
+6	−12
+5	−10
+4	−8
+3	−6
+2	−4
−1 or +1	0
−2	+4
−3	+6
−4	+8
−5	+10
−6	+12
−7	+14
−8	+16
−9	+18
−10	+20
−11	+22
−12	+24
−13	+26
−14 or more	+28

Provided, That with respect to Class I milk in sweet or sour cream for fluid consumption, the amount added to the basic formula price shall be the amount set forth in this paragraph less 45 cents.

(b) The price of butterfat shall be the amount obtained in paragraph (a) of this section multiplied by 20.

(c) The price of skim milk shall be computed by (1) multiplying the price of butterfat pursuant to (b) of this section by 0.035; (2) subtracting such amount from the amount obtained in paragraph (a) of this section; (3) dividing such net amount by 0.965; and (4) rounding off to the nearest full cent.

The following amendments have been proposed by the Cleveland Milk Market Survey Committee:

Proposal No. 2. Amend § 975.14 to read as follows:

§ 975.14 *Other source milk.* "Other source milk" means all skim milk and butterfat received at any pool plant other than from producers or other pool plants and all skim milk and butterfat received at a pool plant from any other pool plants in excess of the total amount received at the latter pool plant from producers; except skim milk and butterfat classified and priced as Class I under another Federal Order.

Proposal No. 3. Amend § 975.32 (b) to read as follows:

(b) If such plant furnished to a pool plant described in § 975.30 (a) or to a pool plant described in § 975.30 (b) for delivery to a pool plant described in § 975.30 (a) less than 10 percent of its dairy farm supply of milk and/or butterfat in any month except April, May, June, or July and less than 50 percent of such supply during more than one of the months of October, November, December, and January: *Provided*, That upon receipt by the market administrator prior to the delivery period of a written request made by the handler, all pool plants operated by such handler shall be considered, for such delivery period, as one plant for the purpose of meeting the minimum percentage requirements of this paragraph: *And provided further*, That this paragraph shall not apply to the plant of the Milk Producers Federation of Cleveland.

Proposal No. 4. Amend § 975.51 (c) (1) to read as follows:

(c) Class III milk shall be all skim milk and butterfat:

(1) Used to produce butter; butteroil, cheese (except cottage cheese); bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; casein; nonfat dry milk solids, dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; and all skim milk and butterfat dumped or disposed of for livestock feeding.

Proposal No. 5. Amend § 975.56 (b) to read as follows:

(b) For the delivery periods of September, October, November, December, January and February, if the total pounds of butterfat received from producers and pool plants is less than 120 per cent of the total pounds of butterfat classified as Class I milk, not including reconstituted skim milk or Class I milk transferred to pool plants or nonpool plants subtract pro rata from the pounds of butterfat remaining in each class the pounds of butterfat received in other source milk.

Proposal No. 6. a. Amend § 975.61 to read as follows:

§ 975.61 *Class I milk prices.* The respective minimum prices per cwt. to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during a delivery period, which is classified as Class I milk, shall be as follows, as computed by the market administrator:

(a) Add to the basic formula price $1.85 for each monthly delivery period, subject to the following adjustment:

(1) When the producers' production is less than 120 percent of handlers' Class I utilization of producer milk, subtract the production percentage from 120 percent, multiply the difference by 3 cents, and add the result to the basic formula price plus $1.85 per hundredweight.

(2) When the producers' production is more than 120 percent of handlers' Class I utilization of producer milk, subtract 120 percent from the producers' production percentage, multiply the difference by 2 cents, multiply the result by percentage of producers' utilization in Class I, and subtract this amount from the basic formula price plus $1.85 per hundredweight.

(b) The price of butterfat shall be the amount obtained in paragraph (a) of this section, after making the adjustments in subparagraphs (1) and (2) of paragraph (a), multiplied by 20.

(c) The price of skim milk shall be computed by (1) multiplying the price of butterfat pursuant to paragraph (b) of this section by 0.035; (2) subtracting such amount from the adjusted amount obtained in paragraph (a) of this section; (3) dividing such net amount by 0.965; and (4) rounding off to the nearest full cent.

(d) With respect to Class I milk in sweet or sour cream for fluid consumption, the amount added to the basic formula price for each monthly delivery period shall be $1.40 per hundredweight subject to the same adjustment as is outlined in paragraphs (a) (1) and (2) of this section.

b. Amend § 975.62 to read as follows:

§ 975.62 *Class II milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during a delivery period, which is classified as Class II milk, shall be as follows, as computed by the market administrator:

(a) The price of butterfat shall be the average price of butter as computed pursuant to paragraph (b) (1) of § 975.60, multiplied by 120.

(b) The price of skim milk shall be the simple average (using the midpoint of any price range as one price) of the carlot prices per pound of spray process, non-fat dry milk solids, in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the delivery period by the Department of Agriculture, less 5.5 cents multiplied by 8.5; *Provided*, That when the producers' production is more than 140 percent of handlers' Class I utilization of producer milk, subtract 120 percent from the producers' production percentage, multiply the difference by 2 cents, multiply the result by the percentage of handler's utilization of producer milk in Class II and then subtract this amount from the skim value in Class II.

c. Amend § 975.63 to read as follows:

§ 975.63 *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association during a delivery period, which is classified as Class III milk, shall be as follows, as computed by the market administrator:

(a) The price per hundredweight of butterfat shall be the average price of butterfat as computed pursuant to paragraph (b) (1), of § 975.60, multiplied by 110.

(b) The price per hundredweight of skim milk shall be the weighted average of the carlot prices per pound of roller process, non-fat dry milk solids, in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the delivery period by the Department of Agriculture less 5.5 cents, multiplied by 8.5; *Provided*, That when the producers' production is more than 140 percent of handlers' Class I utilization of producer milk, subtract 120 percent from the producers' production percentage, multiply the difference by 2 cents, multiply the result by the percentage of handlers' utilization of producer milk in Class III and then subtract this amount from the skim value in Class III.

Proposal No. 7. Delete paragraphs (j) (1) and (2) of § 975.22 and substitute the following in lieu thereof:

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he may deem appropriate the prices determined for each delivery period as follows:

(1) On or before the 14th day after the end of such delivery period, the uniform price computed pursuant to § 975.73, the butterfat differential computed pursuant to § 975.82 and the minimum class prices for Class I, Class II, and Class III milk computed pursuant to §§ 975.61, 975.62 and 975.63, respectively.

Proposal No. 8. In § 975.80 *Time and method of payment*, delete the word "15th day" in paragraph (c) and substitute in lieu thereof "18th day."

Proposal No. 9. In § 975.84 *Payments to the producer-settlement fund* delete the word "16th" in the first line and substitute in lieu thereof "18th".

Proposal No. 10. In § 975.85 *Payments out of the producer-settlement fund* delete the word "18th day" and substitute in lieu thereof "22d day."

Proposal No. 11. Amend § 975.62 (a) and (b) to read as follows:

(a) The price of butterfat shall be the average price of butter as computed pursuant to paragraph (b) (1) of § 975.60 multiplied by 120.

(b) The price of skim milk shall be the simple average (using the midpoint of any price range as one price) of the carlot price per pound of spray process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, for the weeks ending within the delivery period as reported by the Department of Agriculture, less 5.5 cents, multiplied by 8.5.

Proposal No. 12. Amend § 975.63 (a) and (b) to read as follows:

(a) The price per hundredweight of butterfat shall be the average price of butter as computed pursuant to paragraph (b) (1) of § 975.60, multiplied by 110.

(b) The price per hundredweight of skim milk shall be the weighted average of the carlot prices per pound of roller process nonfat dry milk solids in barrels for human consumption, f. o .b. manufacturing plants in the Chicago area as published for the delivery period by the Department of Agriculture, less 5.5 cents, multiplied by 8.5; *Provided*, That during the months of April, May, June and July the price shall be the amount set forth above in this paragraph, less 20 cents.

Proposal No. 13. Amend § 975.70 by deleting therefrom the last proviso, which reads as follows: "*And provided also*, That such handler shall be credited the difference between the applicable class prices for skim milk and butterfat and the highest of the Class III prices for skim milk and butterfat, respectively, with respect to milk or cream disposed of in fluid form during April, May, June or July, to a manufacturer of soup, candy or bakery products for use in such manufacturing operations."

Proposal No. 14. a. Amend § 975.71 *Location adjustments to handlers* so as to increase the adjustment for each zone provided therein the amount of 10 cents.

b. Amend § 975.81 *Location adjustments to producers* so as to increase the adjustment for each zone provided therein, except the 30 to 60 mile zone, in the amount of 10 cents; except that the amount of such adjustment shall be limited on a percentage basis to the actual amount of the adjustment allowed to handlers under § 975.71 on a market-wide basis; and amend § 975.73 and such other sections of the order which must be amended to effectuate the foregoing changes.

Proposal No. 15. Amend § 975.72 (a) to read as follows:

(a) For each delivery period the obligation to the producer-settlement fund for each handler (except a producer-handler) who operates a nonpool plant out of which a route is operated which extends into the marketing area, shall be computed by the market administrator by multiplying by the respective prices for skim milk and butterfat in Class I milk the total pounds of skim milk and butterfat disposed of as milk, skim milk, buttermilk, flavored milk, flavored milk drink, sweet or sour cream or any mixture of milk and cream within such delivery period on each such route, and subtracting therefrom an amount computed by multiplying such volume of skim milk and butterfat by the higher of the prices for skim milk and butterfat, respectively, in Class III milk.

Proposal No. 16. Amend § 975.90 (a) to read as follows:

(a) *Exempt milk.* Milk received by a handler the handling of which is subject to the pricing and payment provisions of any other Federal Milk marketing order issued pursuant to the act shall not be subject to the pricing and payment provisions of this part, except that for any month for which the Class I milk price determined pursuant to § 975.61 (a) exceeds the corresponding minimum Class I milk price (adjusted by any applicable location differential) provided by such other order, the handler shall pay into the producer-settlement fund on or before the 18th day after the end of each month, with respect to all skim-milk and butterfat disposed during such delivery period as any item included in Class I milk, an amount computed by the market administrator as follows: From the total value of such skim milk and butterfat at the prices determined pursuant to § 975.61 (b) and (c) subtract the total value of such skim milk and butterfat at prices computed by applying the procedures prescribed in paragraphs (b) and (c) of § 975.61, inclusive, to the highest Class I price provided by such other order.

Proposed by the Dairy Branch, Production and Marketing Administration:

Proposal No. 17. Amend § 975.51 (c) (1) by adding after the word "lactose", the phrase, "flavored milk and milk drinks".

Proposal No. 18. Amend § 975.53 (a), (b) and (c) by deleting the words, "and as Class II milk if transferred as cream".

Proposal No. 19. Amend § 975.56 (a) by deleting the parenthetical phrase, "(other than butterfat in butter)".

Proposal No. 20. Make such other changes as may be required to make the marketing agreements and order in their entirety conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order, as amended, now in effect may be obtained from the Market Administrator, 2163 East Second St., Cleveland 15, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 13th day of June 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52-6685; Filed, June 17, 1952; 8:58 a. m.]

[7 CFR Part 991]

HANDLING OF MILK IN ROCKFORD-FREEPORT, ILL., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area.

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 12th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on proposed amendments to the order was held by the Production and Marketing Administration, United States Department of Agriculture, on December 4, 5 and 6, 1951, and on March 17 and 18, 1952. Proposals to amend the order were submitted by the Stephenson County Pure Milk Association, the Midwest Dairymen's Company, the Central Dairy Company, Inc., et al., the Union Dairy Farms and Volken Bros. Dairy, Inc., the Townview Dairy (Dakota, Ill.), and the Dairy Branch, Production and Marketing Administration.

The major issues presented on the record of the hearing and covered by this decision were whether the order should be amended to provide for:

(1) Revision of the price differentials (over the basic formula price) for Class I milk and Class II milk, as currently defined, and the establishment of a method of computing separate prices for skim milk and butterfat in each class (including present Class III milk);

(2) Reclassification of the products covered by the present Class II milk definition to Class I milk;

(3) Revision of the method of computing uniform prices to producers;

(4) Introduction of individual-handler pools in lieu of the present market-wide pool for the distribution of moneys due producers for milk produced;

(5) Elimination of the shrinkage allowance included in the lowest-priced class;

(6) Reduction in the size of the marketing area by removing the city of Freeport and its suburbs;

(7) Modification of the rules governing the transfer or diversion of milk, skim milk or cream by a handler to an unapproved plant;

(8) Revision of the definitions of "producer-handler" and "handler";

(9) The substitution of the average wholesale price of cheese at Wisconsin primary markets for the price of cheese presently used in computing the basic formula and Class III milk prices; and

(10) Certain changes of an administrative character.

The application for hearing submitted by the cooperative associations referred to above included a request that "emergency action" be taken with respect to their proposals. The notice of hearing contained a statement that "Consideration will be given also to the question of whether such (economic marketing) conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing." No testimony was introduced to support emergency action with respect to any of the proposed amendments considered and no request for emergency procedure and findings in connection with the issuance of a decision was made. It is concluded that the evidence does not warrant the omission of a recommended decision concerning any of the amendments proposed, as set forth herein.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The price differential (over the basic formula price) for Class I milk should be modified; the butterfat differential applicable to the Class I milk price should be revised; and separate prices for skim milk and butterfat in each class should be computed and announced each month.

At the hearing convened in December 1951 producer associations proposed an increase of 12 cents per hundredweight in the Class I price differential, alleging such increase to be necessary to provide producers with a return for milk equivalent to that received by Chicago producers in the same production area, including the "premiums" which are being paid currently by Chicago handlers over and above the minimum uniform price for the 55–70 mile zone computed under the Chicago order. In this connection, it was testified that (a) proponents are incurring losses in the handling of the market's reserve supply which reduces the possible "pay-out" price to members below the price to nonmember producers and below the price (including premiums) received by neighboring Chicago producers, (b) the class price for fluid milk and cream should be restored to the level of the 55–70 mile zone under the Chicago order since principal competition from Chicago handlers originates at plants in such zone, (c) increasing production costs warrant a higher level of producer prices, and (d) the difference in accounting systems employed in the Chicago and Rockford-Freeport orders for computing the quantities of milk in Class I and Class II uses results, at the same class price levels, in a lower net return for Rockford-Freeport producers.

Producer associations in the market have assumed responsibility for diverting market supplies of milk in excess of those required by proprietary handlers to plants not regulated under the order. Such market reserves of milk are substantial in the season of flush milk production. In connection with the disposal of market milk reserves, the associations have incurred losses resulting in part from extra costs in transporting milk to manufacturing plants outside the marketing area and partly from prices received for such diverted milk which generally are lower than the Class III price level under the order at which such milk is accountable to producers. Such losses are estimated at 2 cents per hundredweight of milk produced annually by member producers. Handlers whom the associations regularly supply with milk customarily take from association members only the quantities which can be disposed of readily (mostly for fluid milk and cream trade) and do not incur any appreciable expense in connection with the handling of the market's reserve supply. There has been no direct charge to handlers as an addition to the class prices as reimbursement to the associations for such handling of reserve milk. Handlers, however, have paid premiums from time to time above the uniform price to bring the actual price to producers closer to (sometimes equivalent to) the prices realized by Chicago producers at plants in the 55–70 mile zone.

The Rockford-Freeport market is encompassed by the production area for the larger Chicago market. The city of Rockford is located approximately 85 miles from Chicago near the perimeter of zone 2 in the Chicago order zoning structure. Freeport is located about 30 miles further to the west of Chicago in zone 4 of the Chicago milkshed. Rockford draws its milk supply largely from an area included within the confines of Chicago zone 2 while Freeport's supplies are produced mainly in an area included within zones 3, 4 and 5 of the Chicago milkshed. The record shows also that these communities are closely competitive production-wise and from the standpoint of marketing within the Chicago milkshed although there is little interchange by handlers of either milk supplies or Class I sales between the cities of Rockford and Freeport. More than 50 percent of the fluid milk distributed in the city of Rockford originates at plants regulated by the Chicago order and located in the 55–70 and 70–85 mile price zones under the latter order. Milk and cream from Chicago-regulated plants are readily available to Rockford and Freeport handlers under Order No. 91 for distribution in fluid form. Such plants provide alternative sources of milk supply acceptable under the health requirements in effect in the marketing area and are used as such when local supplies are insufficient. Also, a Chicago-regulated plant was used for several months as a substitute outlet for Rockford-approved milk, which milk has been returned recently to a Rockford plant as part of the local handler's regular supply. In view of these circumstances, it has been concluded previously that, with the exception of the price adjustment described below, the Rockford and Freeport Class I prices should be similar to the zone prices for Class I milk under the Chicago order for similar locations. The losses incurred on handling market reserves as an expense to the cooperative associations do not provide a sufficient basis for adjustment of the Class I price level.

At the December session of the hearing some producer testimony also was directed to the matter of increasing production costs on the farm and their relation to the present level of producer prices. This testimony was offered in support of the proposed price increase but was not stressed to the same extent as that concerning the price relationship of the marketing area to Chicago.

It has been found in connection with the Chicago order that the minimum prices established therein are such prices as will reflect the price of feeds, supplies of feed, and other economic conditions which affect market supply and demand for milk, insure a sufficient quantity of pure and wholesome milk, and be in the public interest. As a part of the pricing mechanism of the Chicago market an "adjustment for trend" provision was provided to adjust prices automatically as the recent supply-sales relationship varies from the relationship which prevailed in a base period. The Rockford-Freeport order was amended July 1, 1951, to incorporate a similar provision therein. The decision issued by the Secretary on June 21, 1951, (official notice of which is taken), supported such provision with the finding that a proper price relationship between the two markets would require the same type of adjustment in price to be made to Rockford-Freeport producers because of the "high degree of similarity in conditions affecting the production and marketing of milk for fluid use in the two market areas." It may be noted further from the present record that the weighted average uniform prices for Rockford-Freeport have been higher than the Chicago uniform prices for the 55–70 mile zone during 21 out of the 26 months Order No. 91 has been in effect. Over the same period, such Rockford-Freeport prices have exceeded Chicago uniform prices by an average amount of 5 cents per hundredweight. The number of producers, the average daily delivery of milk per producer, and the total producer supply in recent months have been maintained at a level comparable with the corresponding months a year ago and have kept pace with Class I sales during the past year.

At the reopened hearing on March 17–18, 1952, producer associations proposed Class I differentials of $0.60 for May and June; $1.40 for July through December; and $1.00 for all other months. This would amount to an average increase of approximately 40 cents per hundredweight. Such differentials were proposed in view of the Class I differentials proposed for Order 41 at a

hearing held in Chicago March 11–14, 1952 just prior to the reopening of the hearing at Rockford. In this connection it was again testified at Rockford that Chicago order prices and Rockford-Freeport order prices should be closely aligned. A decision recommending an annual average increase in the Chicago Class I price differential of about 14 cents per hundredweight and a revised type of automatic price adjustment was issued May 15, 1952, by the Assistant Administrator, Production and Marketing Administration. Official notice of this decision is taken. For the reasons presented similar changes are appropriate in the Rockford-Freeport market as the basis of pricing Class I milk.

As stated previously, producers also pointed to the difference between the Chicago and Rockford-Freeport accounting systems for classifying fluid milk and cream and compared the effects of the two systems on net returns to producers. It was disclosed that the method of determining the volumes of milk and cream for classification and pricing purposes employed in the Chicago market results, based on utilization data for the Rockford-Freeport market for the most recent 12-month period, in an annual average uniform price approximately 3.3 cents per hundredweight higher than the system now in use in the Rockford-Freeport order. This occurs primarily because under the Chicago accounting system butterfat in cream is converted to its milk equivalent at a 3.5 percent butterfat test while under the Rockford-Freeport order, the amount of milk utilized in cream is computed on the basis of the actual weight of butterfat and skim milk contained in the product.

It is concluded from the record that to offset this difference in accounting systems, 4 cents should be added to the Class I price at "Rockford plants" (new definition in § 991.9). Thus, the minimum Class I price at such plants will be 4 cents per hundred weight higher than the Class I price for the price zone (70–85 miles from Chicago) under the Chicago order in which the city of Rockford lies. Similarly, the Class I price at "Freeport plants" (new definition in §991.10) should be 4 cents per hundredweight higher than the Class I price under the Chicago order for the price zone in which the city of Freeport lies. It is concluded further that class prices for Rockford-Freeport higher than those provided herein are not necessary to insure a sufficient market supply.

The amount of 4 cents per hundredweight discussed in the preceding paragraph which is applicable for both the Rockford and Freeport districts should be allocated to the price of butterfat in Class I milk since, as stated elsewhere, it is concluded that fluid cream should be added to Class I milk. This is accomplished through the Class I butterfat differential which is raised from 1.30 to 1.31 times the price per pound of Chi wholesale butter, divided by 10. By this means the per hundredweight cost of handlers of Class I milk items other than cream will be left virtually unchanged. The cost of cream, although increased, will continue to be somewhat less than the cost of cream to Chicago handlers under the minimum price provisions of the Chicago order.

At the present time class prices are computed per hundredweight of milk. If the test of the particular class of milk is different from 3.5 percent, a butterfat differential is applied to the class price to ascertain the value of the milk in such class at its actual butterfat test. The testimony indicates that order application will be clarified if separate class prices for the skim milk and butterfat components in milk are computed and announced. Such separate prices are essential in making audit adjustments concerning classification where the adjustment may be related to skim milk or butterfat individually rather than to whole milk. At present it is necessary to derive separate skim milk and butterfat prices by adding an appropriate butterfat differential to the price per hundredweight of milk for use in billings related to audit adjustments, but such prices are not published. The proposal to compute and announce separate class prices for butterfat and skim milk relates to an administrative problem only and no objection or counter evidence was offered. Such a change would not of itself affect the cost to handlers for either class of milk. It is concluded that the proposed change should be adopted.

(2) Class II milk, as currently defined, should be combined with Class I milk; Class III milk should be redesignated as Class II milk to be priced in accordance with the present Class III price formula.

Producers proposed a merger of Class II milk and Class I milk at the Class I price level. It is the practice in this market to ship in as whole milk in fluid form all milk of producers needed in the marketing area for milk, cream and other products for which approved milk is required under local health regulations. Cream for use in the marketing area is not separated at country points but is made at plants in the marketing area. Some cream, however, is shipped into the market during times of shortage from the nearby market of Chicago and Chicago handlers distribute some cream, as well as milk, within the marketing area which is derived from milk covered by Order No. 41. The costs to Rockford-Freeport producers of producing milk for use as cream and other products now in Class II milk, insofar as the sanitary standards have any effect, are comparable to those of producing milk for Class I uses. From the standpoint of bulk and perishability there also is a high degree of comparability between the products now covered by each of such classes. Under present conditions, there is no significant difference in economic value between the skim milk and butterfat in Class I milk as compared with such Class II milk.

The reclassification adopted would increase the price of skim milk in products covered by the present definition of Class II milk by approximately 38 cents per hundredweight. The butterfat component of cream and other Class II products would not be increased in price to any appreciable extent by the proposed change since the butterfat differential for Class II milk has been the same as for Class I and the change in the butterfat differential adopted elsewhere in this decision for the newly defined Class I milk will have only slight effect upon the price of butterfat in such class. It may be noted also that the cost per hundredweight of cream as computed in accordance with the price provisions of the Chicago order is slightly in excess of the cost computed at the Class I prices for skim milk and butterfat under the Rockford-Freeport order. The reclassification does not place on Rockford-Freeport handlers a higher cost for skim milk and butterfat in cream than is paid by Chicago handlers. It is concluded that the proposed change in classification should be made.

This change makes appropriate the redesignation of Class III milk as Class II milk. However, no evidence was offered to change the price formula applicable to milk utilized in the products affected. Such milk will continue to be priced on the basis of the formula currently applied to Class III milk.

(3) The provisions for governing the computation of the uniform prices to producers should be revised.

The principal objective of "pooling" in an order is to distribute returns from the sale of milk equitably among producers. This is also one of the functions of the cooperative associations which represent producers. The record indicates that over a long period the cooperative associations in the Rockford-Freeport market not only have assumed major responsibility for the importation of supplementary supplies of milk for fluid use when necessary but also have assumed the burden of disposing of the daily and seasonal reserves of milk. Prior to the introduction of the market-wide pool in July 1951 the effect of the latter action by the associations, i. e., removing or diverting reserve milk to manufacturing plants, had been to raise the uniform price to the non-member producers whose milk remained in the plants of proprietary handler. This, in turn, reduced relatively the returns available for member producers and placed such producers at a price disadvantage with non-member producers. This was particularly significant to the Freeport association. Had the handlers who purchase milk from such association themselves diverted all the surplus to manufacturing channels, the returns from the sale of milk would have been distributed equitably among all their producers, including association members. The Rockford association was not affected to an important degree in this connection because virtually all producers delivering to Rockford plants are members of the association. Provisions for the payment to all producers (and associations of producers) delivering milk to all handlers of uniform prices for all milk so delivered irrespective of the uses made of such milk by the individual handler to whom it is delivered were introduced into the order in July 1951. These provisions were intended primarily to ameliorate the problem outlined. However, this pooling arrangement provided as well for equalization of returns between producers at Freeport plants and those at Rockford plants.

Freeport's milk supply is sufficient to cover the needs of Freeport handlers in the season of lowest production while at Rockford plants it has been customary to import supplementary supplies. The present record indicates that volume and cost considerations make it impractical for Rockford handlers to utilize reserve milk originating in the Freeport segment of the marketing area when supplementary supplies are needed. Thus, Rockford producers are sharing the higher value of their milk as utilized by Rockford handlers with Freeport producers without the practical possibility of using supplies received by Freeport handlers when shortages develop at Rockford. Without any adjustment in prices between the Rockford and Freeport plants the pool arrangement in operation has not been satisfactory and has resulted in the voluntary re-payment by the Freeport association to the Rockford association of amounts which assure the latter of approximately the total value of their milk as utilized by Rockford handlers. Also, the Rockford plants are affected to a greater extent in the procurement of milk supplies by the somewhat higher prices of Chicago handlers in the inner zones of the Chicago market. In view of these circumstances and customary price differences between Rockford and Freeport plants it is reasonable to provide an adjustment in the uniform price to producers which will result in distribution to Rockford producers of the higher utilization value of their milk as disposed of by Rockford handlers. It is concluded that an adjustment should be made in the uniform price computation which will accomplish such objective.

(4) A separate pool arrangement for each handler should not be adopted.

Rockford handlers proposed the adoption of individual-handler pools to replace the method of distributing among producers the returns due from the sale of their milk. This proposal has been considered in relation to the entire pooling problem and it is concluded that the plan discussed under (3) above will provide a more satisfactory method of distributing producer returns under present circumstances relating to the production and marketing of producer milk. In view of the adoption of the plan discussed under (3) above, the request for individual-handler pools is denied.

(5) The shrinkage allowance in Class III milk (to be redesignated Class II milk) should not be eliminated at this time.

Producer associations proposed elimination of the shrinkage allowance (2 percent maximum) on producer milk at the lowest class price. Under the proposal all losses of skim milk or butterfat would be priced as Class I milk.

This proposal was supported on the grounds that (a) the bulk of shrinkage experienced by Rockford-Freeport handlers results from fluid milk and cream operations since only small volumes of milk are received by such handlers for Class III purposes, (b) the manufacturing price formula applicable to Class III milk allows for the inevitable shrinkage, or loss, which occurs in the processing of milk products, and (c) the classification of milk according to use would be simplified. Handlers opposed the reclassification of the shrinkage allowance mainly on the basis that the distributor of milk in the Rockford market with the greatest volume of sales is regulated under the Chicago order and is permitted a shrinkage allowance at the lowest class price provided by the latter order.

Considered independently of other issues there is some merit to the basis on which the shrinkage proposal was submitted. However, a substantial amount of evidence was introduced into the record by producers in support of the proposition that the Class I cost (per hundredweight) of milk to handlers under the Rockford-Freeport order should be made as comparable as possible to that of the competing Chicago handler referred to above who distributes approximately 50 percent of the bottled milk sold in the city of Rockford. The price proposals presented by producers appear to have this as a main objective and the price and classification changes adopted elsewhere in this decision have been designed with such an aim in mind. It does not appear that the proposed change would assist in improving such cost relationship between handlers under different orders. It is concluded that the shrinkage allowance in question should not be changed at this time.

(6) The size of the marketing area should not be changed.

Rockford and Freeport handlers proposed elimination of the city of Freeport and its environs from the marketing area covered by the order. Producers supplying Freeport, however, urged the continuance of regulation covering the Freeport market and testified as to the benefits received from the order.

In support of their position handlers testified that there is little interchange of milk between Rockford and Freeport and that conditions affecting the production and marketing of producer milk are not comparable for the two areas. The record shows, however, that both communities are within the milkshed of Chicago and have highly similar problems in relation to the latter market. In view of the expansion of the latter market salewise in recent years, a high degree of integration exists among the three markets. It may not be concluded from the record that the three markets are completely separate and distinct in their marketing problems. The amendments adopted should remove the principal objections of the Rockford handlers to a single order covering both communities. Interruption of the benefits which Freeport producers gain from the regulation was not justified on the record. The request for the elimination of Freeport and its suburbs from the marketing area therefore is denied.

(7) The provisions governing the classification of milk, skim milk and cream transferred or diverted by a handler to an unapproved plant should be modified and clarified.

The current provisions governing transfers and diversions of milk, skim milk and cream to unapproved plants located within 100 miles of the marketing area provide that milk or skim milk so moved shall be Class I milk and cream moved shall be Class II unless certain prescribed conditions are met. One of these conditions is the filing of a claim in writing by the handler on or before the 8th day after the end of the delivery period in which the transaction occurred of other utilization of the transferred or diverted item based on written statements by both buyer and seller as to actual use. Experience with this type of provision has shown that it is not always practicable for the receiver to file a statement of utilization in time for use in connection with the monthly pool computation. Since the provision adopted prescribes a definite basis for an audit and ultimate classification at the unapproved plant, it does not appear necessary to involve the buyer with the necessity of making a written statement of utilization to the market administrator within a prescribed period of time. If the handler makes a report of utilization with respect to such milk, skim milk or cream in connection with his regular report of receipts and utilization, the information necessary to the pool computation will be available. It is concluded, therefore, that in dealing with such movements within this market where the ramifications of such movements are not extensive, written statements of utilization concerning such transferred items other than the handler's regular monthly report pursuant to § 991.30 need not be required.

The transfer provisions under consideration should be revised further to insure consistency with the change in classification terminology adopted elsewhere in this decision and to clarify such provisions in certain details.

(8) The definitions of "producer-handler" and "handler" should not be revised so as to provide for certain requested exemptions.

One distributor proposed a revision of the definition of "producer-handler" to include (a) any person who receives milk other than his own production or milk purchased from a blood relative or a relative by marriage, and (b) any operator of an approved plant who processes less than 2500 pounds of milk per day. It was proposed also that the definition of a "handler" be revised to specifically exclude any plant operator who processes less than 2500 pounds of milk per day.

If orderly marketing is to be accomplished and equitable treatment given to those regulated, it is necessary that the order be administered fairly and impartially as to all handlers regardless of size or family relationship. The producer-handler who handles only milk of his own production maintains control of his milk until ultimate disposition and in this respect his situation is entirely different from the regular producer whose milk is marketed by another person (handler). For this reason and because the administrative burden would be increased without assisting in a substantial measure to the stability of the market for other producers, those persons who are producer-handlers in fact have been made exempt from regulation other than for certain reporting requirements. The expansion of activity by a producer-handler through the purchase

of milk from another person places him in direct competition purchase-wise with other handlers for milk supplies and the person from whom milk is purchased is placed in the same category as other producers. To exempt a producer-handler who receives milk from other producers might well place such producer-handler in a position to purchase supplies of milk at a price advantage in relation to his competitors in the distribution of milk. Moreover, uniform pricing treatment, as provided by the statute, is required for all producers regardless of any family relationships which may be involved between buyer and seller. Similarly, an exemption based upon the handling of less than 2500 pounds of milk per day (or 75,000 pounds per month) would be a disturbing element in a market of the size of Freeport and might well result in creating a difficult competitive situation for other handlers under the regulation.

Petitioner contended further that he could not comply with the order because the cost of record-keeping involved is prohibited to his operations. This contention may not be considered an appropriate reason for exemption since the order places no obligation on the petitioner different from those applicable to handlers generally. In view of the foregoing considerations, it is concluded that the definitions of "producer-handler" and "handler" should not be changed.

(9) The average wholesale price of cheese ("Cheddars") at Wisconsin primary markets as computed and reported by the United States Department of Agriculture should be substituted for the average wholesale price of cheese ("Cheddars") on the Wisconsin Cheese Exchange in the computation of the basic formula price.

The quotation for cheese at Wisconsin primary markets is reported 4 days a week and is based on actual sales of cheese. The Wisconsin Cheese Exchange meets only once a week so that the price determination based on sales or bids and offers for cheese on such Exchange is reported only once a week. The volume of cheese sold on the Wisconsin Cheese Exchange generally is small in relation to the total volume of cheese sold at Wisconsin primary markets. Moreover, there have been numerous occasions when no sales of cheese were made on the Wisconsin Cheese Exchange. Frequently, it has been necessary to use either bids or offers rather than prices from actual sales for order purposes. Since the Wisconsin primary markets quotation has been available there have been only few instances when sufficient sales have not been made on which to base a report. In view of these facts it is concluded that the price of cheese at Wisconsin primary markets is the more representative report to use for price formula purposes.

The types of transaction on which the two cheese prices discussed above are based are similar—both are for the same type of cheese and are for cheese loaded for shipping at assembling points. The quotations differ, however, in that the price at primary markets includes a charge for certain services such as paraffining and assembling while these charges are not included in the Exchange price but are made as a separate charge to the purchaser. The primary markets price customarily is higher than the Exchange price. In the last year or two the difference has averaged about 1.3 cents per pound. Since no evidence was submitted to show that the basic formula price should be increased, 1.3 cents should be deducted from the primary markets price to result in a level comparable with the Exchange price.

(10) Certain changes of an administrative character should be made.

The amendments adopted require revision of certain other provisions in order to provide consistency of language and effect. It is concluded that these and other minor revisions should be made for the purpose of clarification. Among these is the elimination of the definition of "delivery period." All accounting, reports, price computations and payments are made on a monthly basis. The terms "month" and "monthly" used throughout the order in their ordinary and usual meaning as referring to one of the twelve divisions of the year (such as February, June, August, etc.) remove the need of such definition. However, the use of the terms "month" and "monthly" within the text of the order shall not be construed to prevent the issuance by the Secretary of any amendment to the order to be effective on any day of a month.

A suggestion was made at the hearing to allow two days' additional time for the payment of moneys due to or due from the producer-settlement fund and due to producers and associations under the market-wide pool because of unavoidable mail delays. This suggestion has been adopted. This action necessarily requires changes in the dates by which payments must be made by handlers to producers and cooperative associations.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on briefs. Briefs were filed on behalf of the Central Dairy Co., et al., Townview Dairy (Rockford and Freeport handlers), the Midwest Dairymen's Company, and the Stephenson County Pure Milk Association. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following proposed amendments to the order are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed amendments to the marketing agreement are not included because the regulatory provisions thereof would be the same as those contained in the proposed amendments to the order:

DEFINITIONS

§ 991.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 991.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 991.3. *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in §§ 991.50, 991.54 and 991.81.

§ 991.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 991.5 *Cooperative Association.* "Cooperative association" means any cooperative marketing association which the Secretary determined after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 991.6 *Rockford-Freeport marketing area.* "Rockford-Freeport marketing area" hereinafter called the "marketing area," means the territory lying within the corporate limits of the cities of Rockford, Loves Park and Freeport, together with the territory lying within the Townships of Burritt, Cherry Valley, Harlem, Owen, Rockford and Winnebago, in Winnebago County, and Florence, Harlem, Lancaster and Silver Creek, in Stephenson County, all in the

State of Illinois. "Rockford district" of the marketing area shall include the territory lying within the corporate limits of the cities of Rockford and Loves Park, and within the townships of Burritt, Cherry Valley, Harlem, Owen, Rockford and Winnebago, in Winnebago County, Illinois. "Freeport district" of the marketing area shall include that portion of the marketing area not included in the Rockford district.

§ 991.7 *Route.* "Route" means a delivery (including at a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail shop(s) other than to a milk processing or distributing plant(s).

§ 991.8 *Approved plant.* "Approved plant" means a milk processing or distributing plant approved by the appropriate authorities for the distribution of Grade "A" milk under the milk ordinance of any municipality in the marketing area or under the Grade "A" milk and Grade "A" milk products law of the State of Illinois, and from which a route is operated wholly or partially within the marketing area. The term "approved plant" does not include any portions of the plant or facilities used for processing milk or any milk product required by the appropriate health authorities to be kept physically separate from that portion of the plant facilities used for receiving, processing, or packaging milk or milk products to be labeled Grade "A".

§ 991.9 *Rockford plant.* "Rockford plant" means an approved plant (a) located within the Rockford district, or (b) located outside the marketing area from which more than 50 percent of the Class I milk disposed of from such plant within the marketing area during the month is disposed of within the Rockford district.

§ 991.10 *Freeport plant.* "Freeport plant" means an approved plant (a) located within the Freeport district, or (b) located outside the marketing area from which more than 50 percent of the Class I milk disposed of from such plant within the marketing area during the month is disposed of within the Freeport district.

§ 991.11 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

§ 991.12 *Handler.* "Handler" means any of the following:

(a) The operator of an approved plant in his capacity as such;

(b) The operator of an unapproved plant from which a route is operated wholly or partially within the marketing area; or

(c) Any cooperative association with respect to milk of producers caused to be diverted for its account from an approved plant to an unapproved plant from which no route is operated wholly or partially within the marketing area, which milk of producers shall be deemed as having been received by such cooperative association.

§ 991.13 *Producer.* "Producer" means either of the following:

(a) "Grade A producer" means any person, except a producer-handler, who under inspection of the appropriate health authorities of any of the municipalities of the marketing area, or of the State of Illinois, produces milk approved by such authority for distribution as Grade "A" milk within the marketing area, which milk is received at an approved plant, or is diverted by a cooperative association for its account from an approved plant to an unapproved plant; or

(b) "Non-Grade A producer" means any person, except a producer-handler, who produces milk which is received at an unapproved plant from which a route is operated wholly or partially within the marketing area.

§ 991.14 *Producer milk.* "Producer milk" means either of the following:

(a) "Grade A producer milk" means milk of one or more producers produced and received or diverted under the conditions set forth in § 991.13 (a); or

(b) "Non-Grade A producer milk" means milk of one or more producers produced and received under the conditions set forth in § 991.13 (b).

§ 991.15 *Other source milk.* "Other source milk" means skim milk or butterfat received at an approved plant, or at an unapproved plant from which a route is operated wholly or partially within the marketing area, except that contained in (a) producer milk, (b) receipts from other handlers, (c) receipts from handlers under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area of items listed herein as Class I milk in packaged or bottled form ready for delivery to consumers, which are disposed of in the original package in which received, and (d) any non-fluid milk product received from a non-handler and disposed of in the form in which received.

§ 991.16 *Producer-handler.* "Producer-handler" means any person who produces milk and operates a route wholly or partially within the marketing area, but who receives no milk from producers.

MARKET ADMINISTRATOR

§ 991.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 991.21 *Powers.* The market administrator shall have the following powers with respect to this subpart.

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 991.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 991.85:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 991.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such act, has not (1) made reports pursuant to §§ 991.30, 991.31 or 991.32, (2) maintained adequate records and facilities pursuant to § 991.33, or (3) made the payments required under §§ 991.80, 991.81, 991.83, 991.85, or 991.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 10th day after the end of each month report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association, either directly or from producers who have authorized such cooperative association to receive payments for them, to each handler to whom the cooperative association sells milk. For the purpose of this report the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in such class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class

prices pursuant to §§ 991.50, 991.51 and 991.53 and the butterfat differentials for each class pursuant to § 991.52, and

(2) On or before the 11th day after the end of such month, the uniform prices computed pursuant to § 991.71 and the butterfat differential computed pursuant to § 991.81 and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 991.30 *Monthly reports of receipts and utilization.* On or before the 8th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) all receipts within such month of (1) producer milk, (2) skim milk and butterfat in any form from any other handler, and (3) other source milk, and the sources thereof;

(b) The product pounds of Class I and Class II milk received in packaged or bottled form ready for delivery to consumers from handlers under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area, and disposed of in the form in which received;

(c) The product pounds of non-fluid milk products received from any nonhandler and disposed of in the same form;

(d) The utilization of all receipts required to be reported under paragraphs (a) and (b) and (c) of this section; and

(e) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

§ 991.31 *Producer payroll reports.* On or before the 25th day after the end of each month each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show (a) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (b) the amount of payment to each producer and cooperative association and (c) the nature and amount of all deductions and charges involved in the payments referred to in paragraph (b) of this section.

§ 991.32 *Reports by producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 991.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form;

(b) The weights, samples and tests for butterfat and for other content of all skim milk and butterfat handled;

(c) Payments to producers and cooperative associations and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each month.

§ 991.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 991.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the month by a handler, in producer milk, in other source milk, or from another handler shall be classified by the market administrator pursuant to the provisions of §§ 991.41 through 991.46.

§ 991.41 *Classes of utilization.* Subject to the conditions set forth in § 991.43 and § 991.44 the skim milk and butterfat described in § 991.40 shall be classified separately by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of (except as provided in paragraph (b) (4) of this section) (i) in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drink, cream, any mixture which contains cream and milk or skim milk (not including ice cream mix) and not less than 6 percent butterfat, and eggnog, and (ii) in fluid or frozen form as concentrated milk, flavored milk, and flavored milk drink not sterilized; and

(2) Not specifically accounted for as any item included under subparagraph (1) of this paragraph or as Class II milk.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce a milk product other than any of those specified in paragraph (a) (1) of this section;

(2) In actual plant shrinkage of producer milk computed pursuant to § 991.42, but not in excess of 2 percent thereof;

(3) In inventory variation of milk, skim milk, cream or of any Class I milk product;

(4) In skim milk, flavored milk, flavored milk drink or buttermilk dumped or disposed of for livestock feed; and

(5) In actual plant shrinkage of other source milk computed pursuant to § 991.42.

§ 991.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, between producer milk and other source milk after deducting receipts from other handlers.

§ 991.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat (except that transferred to a producer-handler) classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 991.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream, to the regulated plant of another handler (except a producer-handler) unless utilization as Class II milk is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the month within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 991.46 (a) (2), and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I milk: *And provided further*, That in no event shall skim milk or butterfat so transferred or diverted be so classified that other source milk is assigned to any higher class in the plant of the transferring handler than the lowest class to which producer milk (other than allowable shrinkage) is assigned in the plant of the transferee-handler, after application of the allocation provisions of § 991.46.

(b) As Class I milk if moved in the form of milk, skim milk, or cream to (1) a producer-handler, or (2) any unapproved plant located 100 miles or more from the marketing area, by shortest highway distance as determined by the market administrator.

(c) According to his reported utilization, if moved in the form of milk, skim milk or cream to any unapproved plant

from which no route is operated wholly or partially within the marketing area and which is not a plant covered by paragraph (b) of this section: *Provided*, That (1) the receiver (operator of the unapproved plant) maintains books and records showing the utilization of all skim milk and butterfat received at such plant from all sources, (2) if the reported utilization is Class II milk, the quantity of skim milk or butterfat transferred or diverted which may be allowed in such class shall not exceed the total amount of skim milk or butterfat, respectively, which the market administrator can establish definitely on the basis of such books and records as having been used by the receiver in Class II milk (as defined in § 991.41) in the month in which the milk, skim milk or cream so moved was received in the unapproved plant, and (3) any quantity in excess of such established Class II use shall be Class I milk: *And provided further*, That if such books and records are not made available to the market administrator at his request, the total quantity of skim milk and butterfat contained in the milk, skim milk or cream transferred or diverted by the handler shall be Class I milk.

§ 991.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 991.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk;

(1) Subtract plant shrinkage of skim milk in producer milk pursuant to § 991.41 (b) (2) from the total pounds of skim milk in Class II milk;

(2) Subtract from the pounds of skim milk in Class I milk (to the extent available), the pounds of skim milk in other source milk received during September through December, inclusive, in bulk as milk, skim milk or cream, in fluid form from a plant where milk is priced under the class price provisions of a marketing agreement or order issued pursuant to the act for another fluid milk marketing area;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with available Class II milk, the pounds of skim milk in other source milk not otherwise subtracted pursuant to subparagraph (2) of this paragraph;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to § 991.44; and

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk.

(b) Allocate classified butterfat to producer milk according to the method prescribed in paragraph (a) of this section for skim milk.

MINIMUM PRICES

§ 991.50 *Class I milk prices.* (a) The minimum price per hundredweight, on a 3.5 percent butterfat content basis, for Grade A producer milk received at, or diverted by a cooperative association from, Rockford plants and classified as Class I milk, shall be the price as determined for the month for the 55–70 mile zone pursuant to § 941.52 (a) (1) of this chapter, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area issued pursuant to the act, plus 4 cents.

(b) The minimum price per hundredweight, on a 3.5 percent butterfat content basis, for Grade A producer milk received at, or diverted by a cooperative association from, Freeport plants and classified as Class I milk shall be the price determined for the month for the 85–100 mile zone pursuant to § 941.52 (a) (1) of this chapter, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area issued pursuant to the act, plus 4 cents.

(c) The minimum price per hundredweight for non-Grade A producer milk received at, or diverted by a cooperative association from, Rockford plants and classified as Class I milk shall be the Class I price computed pursuant to paragraph (a) of this section, less 10 cents.

(d) The minimum price per hundredweight for non-Grade A producer milk received at, or diverted by a cooperative association from, Freeport plants and classified as Class I milk shall be the Class I price computed pursuant to paragraph (b) of this section, less 10 cents.

§ 991.51 *Class II milk price.* The minimum price per hundredweight, on a 3.5 percent butterfat basis, for producer milk classified as Class II milk shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content determined by the market administrator for the month pursuant to paragraphs (a), (b) and (c) of this section, computed to the nearest tenth of a cent.

(a) The average of the prices per hundredweight reported to have been paid, or to be paid, for such month to farmers for milk containing 3.5 percent butterfat content delivered during such month at each of the following listed manufacturing plants or places for which prices are reported to the Department or to the market administrator:

Companies and Location

Borden Co., Black Creek, Wis.
Borden, Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during such month, by 6;

(2) Add an amount computed as follows: From the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State Brand Cheddars in cars or truckloads, f. o. b. Wisconsin assembling points, as reported by the Department for the trading days during the month, subtract 1.3 cents, and multiply by 2.4; and

(3) Divide such sum by 7, add 30 percent thereof, and multiply by 3.5;

(c) The price per hundredweight computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during such month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of such month by the Department;

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 75.2 cents.

§ 991.52 *Class butterfat differentials—*(a) *Class I milk.* Multiply by 1.31 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter in the Chicago market as reported by the Department for the month preceding that in which the producer milk to be priced was received and divide the result by 10.

(b) *Class II milk.* Multiply by 1.20 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month in which the producer milk to be priced was received, and divide the result by 10.

§ 991.53 *Computation of prices of skim milk and butterfat.* The prices per hundredweight of skim milk and butterfat to be paid by each handler for producer milk in each class shall be computed as follows: For each class, respectively, the price per hundredweight of skim milk shall be the applicable class price for the month (§§ 991.50

and 991.51) less the result of multiplying the applicable class butterfat differential for the month (§ 991.52) by 35. For each class, respectively, the price per hundredweight of butterfat shall be the applicable class price for the month plus the result of multiplying the applicable class butterfat differential for the month by 965.

APPLICATION OF PROVISIONS

§ 991.60 *Producer-handlers.* Sections 991.40 through 991.46, 991.50 through 991.55, 991.70 through 991.72, and 991.80 through 991.84, shall not apply to a producer-handler.

§ 991.61 *Milk subject to pricing under other Federal orders.* Except as follows, milk priced under any other Federal milk marketing agreement or order issued pursuant to the act for any other fluid milk marketing area shall not be subject to the provisions of this subpart:

(a) If such milk is disposed of on a route wholly or partially in the marketing area operated by or for a person subject to regulation as a handler under another order, such person shall report as requested by the market administrator, but shall not otherwise be considered a handler under this subpart;

(b) If such milk is received at the regulated plant of a handler subject to the provisions of this subpart in any form other than those stated in § 991.15 (c) and (d), it shall be considered as other source milk; or

(c) If the provisions of the order for the other milk marketing area provide for determination as to the order under which milk shall be priced, the Secretary shall so determine.

§ 991.62 *Uniform price and producer payment provisions.* Sections 991.70, 991.71, 991.72, and 991.80 through 991.84 shall be applied separately to (a) producer milk received at, or diverted by a cooperative association from, Rockford plants, and (b) producer milk received at, or diverted by a cooperative association from, Freeport plants: *Provided*, That under both (a) and (b) of this section, further separation shall be made for the purposes of §§ 991.40 through 991.46, 991.70 through 991.72, and 991.80 through 991.84 with respect to non-Grade A producer milk.

DETERMINATION OF UNIFORM PRICES

§ 991.70 *Computation of value of producer milk.* The value of producer milk received during each month by each handler shall be computed by the market administrator by multiplying the pounds of skim milk and the pounds of butterfat in each class for such handler pursuant to § 991.46, by the applicable skim milk and butterfat prices computed pursuant to § 991.53, adding together the resulting amounts, and adding to this sum the amounts computed as follows: Multiply the pounds subtracted from the various classes pursuant to §§ 991.46 (a) (5) and 991.46 (b) by the applicable skim milk and butterfat prices.

§ 991.71 *Computation of uniform Price.* For each month the market administrator shall compute separate "uniform prices" per hundredweight for producer milk (3.5 percent butterfat content) for Rockford plants and for Freeport plants, as follows:

(a) Combine into one total the values computed pursuant to § 991.70 (and subject to the provisions of § 991.62) for all handlers who made the reports pursuant to § 991.30 except those in default of payments required pursuant to § 991.83 for the preceding month;

(b) Subtract, if the weighted average butterfat test of producer milk represented is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by multiplying the difference from 3.5 percent of such weighted average butterfat test, by the producer butterfat differential computed pursuant to § 991.81 and multiplying the resulting figure by the total hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the applicable producer-settlement fund less the amount of unpaid obligations to handlers pursuant to §§ 991.84 and 991.87: *Provided*, That for the first month for which § 991.62 is effective the amount which was deducted pursuant to § 991.71 (e) for the preceding month shall be added under this paragraph on a pro rata basis according to the quantities of producer milk represented by paragraphs (a) and (b) of § 991.62;

(d) Divide by the hundredweight of producer milk; and

(e) Subtract not less than 4 cents but less than 5 cents (adjusting to the nearest full cent) from the amount per hundredweight computed under paragraph (d) of this section.

§ 991.72 *Notification to handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and value of his milk in each class and the totals thereof; (b) the applicable minimum class prices and uniform price; (c) the amount owed by him to, or the amount due him from, the producer-settlement fund, pursuant to § 991.83 or § 991.84; and (d) the amounts to be paid by him pursuant to §§ 991.80, 991.85, 991.86 and 991.87.

PAYMENTS

§ 991.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each month, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the applicable uniform price for such month pursuant to § 991.71 adjusted by the producer butterfat differential pursuant to § 991.81, for all milk received from such producer during such month: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 991.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each month, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such month not less than the value of such milk computed at the applicable uniform price, adjusted by the producer butterfat differential pursuant to § 991.81.

§ 991.81 *Producer butterfat differential.* In making payments pursuant to § 991.80 there shall be added to, or subtracted from, the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month in which the producer milk to be priced was received, by 0.12 and rounding to the nearest tenth of a cent.

§ 991.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 991.83 and payments related thereto pursuant to § 991.87 and out of which he shall make all payments to handlers pursuant to § 991.84 and payments related thereto pursuant to § 991.87.

§ 991.83 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of producer milk (§ 991.70) received by such handler during such month is greater than the total of amounts to be paid pursuant of § 991.80.

§ 991.84 *Payments out of the producer-settlement fund.* On or before the 16th day after the end of each month, the market administrator shall pay to each handler the amount by which the value of producer milk (§ 991.70) received by such handler during each month is less than the sum of amounts due pursuant to §§ 991.83, 991.85, 991.86 and 991.87: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce such payments uniformly per hundredweight and shall complete such payments as soon as the necessary funds are available.

§ 991.85 *Expense of administration.* As his prorata share of the expenses incurred pursuant to § 991.22 (d) each handler shall pay the market administrator on or before the 15th day after the end of each month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary from time to time may prescribe, with respect to producer milk

(including such handler's own production) and other source milk (excluding that subject to administrative expense assessment under another Federal milk marketing agreement or order issued pursuant to the act) received during such month.

§ 991.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler for each month shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, from the payments made to each producer pursuant to § 991.80, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to check weights, samples and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, but for whom such cooperative association does not receive payment for milk, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of such month pay every such deduction to the cooperative association rendering such services.

§ 991.87 *Adjustment of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records or accounts disclose errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 991.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the market involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 991.90 *Effective time.* The provisions of this subpart or any amendments to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 991.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds that this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 991.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 991.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent, as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 991.94 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 991.95 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 13th day of June 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52-6684; Filed, June 17, 1952; 8:58 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 675]

MINIMUM WAGE RATES IN LUMBER AND WOOD PRODUCTS INDUSTRY IN PUERTO RICO

NOTICE OF PROPOSED DECISION

On December 12, 1951, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 417, apointed Special Industry Committee No. 11 for Puerto Rico (hereinafter called the "Committee") and directed the Committee to investigate con-

ditions in a number of industries in Puerto Rico specified and defined in the order, including the lumber and wood products industry in Puerto Rico (hereinafter called the "industry"), and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the industry, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the industry, the Committee filed with the Administrator a report containing (a) its recommendation that the industry be divided into separable divisions for the purpose of fixing minimum wage rates, (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in such divisions of the industry.

Pursuant to notice published in the FEDERAL REGISTER on March 15, 1952 (17 F. R. 2285–2288) and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner E. West Parkinson, as presiding officer, in Washington, D. C., on April 24, 1952, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding, and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendations of the Committee for a minimum wage rate of 42 cents per hour in the lumber and millwork division, and 38 cents per hour in the furniture, woodenware and miscellaneous wood products division, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled, "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 11 for Puerto Rico for Minimum Wage Rates in the Lumber and Wood Products Industry in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding, that I propose to approve the recommendations of the Committee for this industry and revise this part to read as set forth below to carry such recommendations into effect.

Within 15 days from publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

PART 675—LUMBER AND WOOD PRODUCTS INDUSTRY IN PUERTO RICO, MINIMUM WAGE ORDER

Sec.
675.1 Wage rates.
675.2 Notices of order.
675.3 Definitions of the lumber and wood products industry in Puerto Rico and its divisions.

AUTHORITY: §§ 675.1 to 675.3 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 675.1 *Wage rates.* (a) Wages at a rate of not less than 42 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the lumber and millwork division of the lumber and wood products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 38 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the furniture, woodenware, and miscellaneous wood products division of the lumber and wood products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce.

§ 675.2 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the lumber and wood products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 675.3 *Definitions of the lumber and wood products industry in Puerto Rico and its divisions.* (a) The lumber and wood products industry in Puerto Rico, to which this part shall apply, is hereby defined as follows:

Logging and the manufacture of all products made from lumber, wood and related materials, including but without limitation, sawmill and planning and plywood mill products; furniture and office and store fixtures; boxes and containers; cooperage; window and door screens and blinds; caskets and coffins; matches; wood preserving; trays, bowls and other wooden ware; excelsior, cork, bamboo, rattan, and willowware articles such as hampers, baskets, coasters, and table pads; and charcoal: *Provided, however,* That the definition shall not include any product or activity included in the rubber, straw, hair and related products industry (as defined in Administrative Order No. 417 (16 F. R. 12912) appointing Special Industry Committee No. 11 for Puerto Rico), or in the metal, plastics, machinery, instrument, transportation equipment, and allied industries; the handicraft products industry; the paper, paper products, printing, publishing, and related products industry; the construction, business service, motion picture, and miscellaneous industries; or the button, buckle, and jewelry industry (as defined in the wage orders for these industries in Puerto Rico).

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Lumber and millwork division.* This division consists of logging and the manufacture of sawmill and planing and plywood mill products; millwork including sash, doors, moldings, window frames, window and door screens and blinds, and similar building materials.

(2) *Furniture, woodenware and miscellaneous wood products division.* This division shall consist of the manufacture of all products in the lumber and wood products industry as defined in paragraph (a) of this section, except those products coming within the lumber and millwork division as defined in subparagraph (1) of this paragraph.

Signed at Washington, D. C., this 11th day of June 1952.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-6609; Filed, June 17, 1952; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Geological Survey

SALMON RIVER, IDAHO

POWER SITE CLASSIFICATION NO. 424

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of section 24 of the act of June 10, 1920, as amended by section 211 of the act of August 26, 1935 (16 U. S. C. 818):

BOISE MERIDIAN

T. 25 N., R. 1 E.,
Sec. 11, lot 9, NW¼SE¼;
Sec. 14, SE¼SE¼;
Sec. 22, NE¼NE¼;
Sec. 26, SE¼NW¼.
T. 26 N., R. 1 E.,
Sec. 12, SW¼SW¼;
Sec. 23, SE¼SW¼.
T. 27 N., R. 1 E.,
Sec. 14, SW¼SE¼;
Sec. 22, SW¼NW¼;
Sec. 23, SE¼SW¼.
T. 28 N., R. 1 E.,
Sec. 15, NE¼SW¼;
Sec. 26, NE¼SW¼.
T. 29 N., R. 1 E.,
Sec. 10, lot 1.
T. 24 N., R. 2 E.,
Sec. 12, lot 1, SW¼SE¼;
Sec. 13, lots 2, 3, and 6, NE¼NW¼, and SW¼NW¼ (less 12½ acres);
Sec. 14, lots 1 (less 2½ acres), and 2, NW¼SW¼;
Sec. 18, SW¼NE¼, and NE¼SE¼;
Sec. 20, lots 4, and 5, NW¼NE¼, and SE¼NE¼;
Sec. 21, lots 2, 5, and 7, NE¼SW¼, and N½SE¼;
Sec. 22, lots 1, 6, 7, and 8, NW¼SW¼.
T. 24 N., R. 3 E.,
Sec. 11, SE¼SE¼;
Sec. 12, SW¼SW¼; N½SE¼, and S½SE¼;
Sec. 13, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 14, N½NW¼, and N½SE¼;
Sec. 15, lots 1, and 2 (unpatented portions), SE¼NE¼;
Sec. 21, NE¼NE¼, NW¼, and SE¼SE¼;
Sec. 22, NW¼NE¼, NE¼SW¼, and SW¼SW¼;
Sec. 24, NE¼NW¼, and NW¼SE¼;
Sec. 28, NW¼NE¼;
Sec. 29, N½N½.
T. 24 N., R. 4 E.,
Sec. 3, SE¼SE¼;
Sec. 16, W½SW¼;
Sec. 17, SE¼SE¼.
T. 24 N., R. 5 E.,
Sec. 1, lot 1;
Sec. 5, lots 1, and 4;
Sec. 6, lot 1, SE¼NE¼.
T. 24 N., R. 6 E.,
Sec. 1, lots 5, 6, and 7, NW¼SE¼;
Sec. 2, NW¼SW¼;
Sec. 3, SE¼NW¼, and N½SE¼;
Sec. 12, lots 1, and 2;
Sec. 13, SE¼NE¼.
T. 7 N., R. 13 E.,
Sec. 25, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 26, S½SE¼;
Sec. 35, NE¼;
Sec. 36, NW¼NE¼, N½NW¼, and SW¼NW¼.
T. 7 N., R. 14 E.,
Sec. 8, lots 1, and 2, SE¼SW¼, and N½SE¼;
Sec. 9, W½NW¼, and SW¼;
Sec. 16, NW¼, N½SW¼, and SW¼SW¼;
Sec. 17, lots 1, 2, 3, 5, 6, 7, 8, and 9;
Sec. 18, S½SE¼;
Sec. 19, lots 1, 4, 5, 6, and 8, NW¼NE¼;
Sec. 20, lots 1, 2, 3, 4, 5, 6, and 7, SW¼NE¼, and NW¼SE¼;
Sec. 29, lot 1, SW¼NW¼;
Sec. 30, lots 1, 2, 3, 4, and 5, SE¼SW¼.
T. 14 N., R. 18 E.,
Sec. 2, lots 3, and 4, SW¼NE¼, SE¼NW¼, and N½SW¼;
Sec. 3, NE¼SE¼.
T. 14 N., R. 26 E.,
Sec. 1, lot 4, SW¼NW¼, and SW¼;
Sec. 3, SW¼NW¼, and W½SW¼;
Sec. 10, W½NE¼, and NE¼NW¼;
Sec. 12, W½NW¼.
T. 31 N., R. 1 W.,
Sec. 31, lot 6;
Sec. 32, lots 1, and 2, SW¼SE¼.
T. 31 N. R. 2 W.,
Sec. 6, NW¼SE¼;
Sec. 20, SW¼NW¼.
T. 21 N., R. 3 W.,
Sec. 29, SW¼NE¼, N½NE¼NE¼NW¼, SE¼NE¼NE¼NW¼, NW¼NE¼NW¼, S½NE¼NW¼, E½SW¼NW¼, N½SE¼NW¼, W½SW¼SE¼NW¼, and SE¼SE¼NW¼.
T. 31 N., R. 3 W.,
Sec. 12, lots 3, and 4;
Sec. 24, NE¼NW¼;
Sec. 25, SE¼NW¼, and SE¼SE¼;
Sec. 27, NW¼NW¼;
Sec. 32, NE¼NE¼;
Sec. 33, SW¼NE¼, and SE¼NW¼.

The area described aggregates 7,236.56 acres.

THOMAS B. NOLAN,
Acting Director.

JUNE 3, 1952.

[F. R. Doc. 52-6604; Filed, June 17, 1952; 8:45 a. m.]

Bureau of Land Management

NEVADA

CLASSIFICATION ORDER

JUNE 6, 1952.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Nevada land district, embracing approximately 40 acres.

NEVADA SMALL TRACT CLASSIFICATION NO. 86

For lease and sale for homesites only:

T. 21 S., R. 61 E., M. D. M.
Sec. 32, SE¼NW¼.

The lands are situated in Clark County, Nevada, 12 miles south of the City of Las Vegas, Nevada. Las Vegas is one of the largest towns in the State of Nevada and has all of the usual facilities, such as schools, churches, hospitals, business establishments, etc. They are in an area famous for recreational activities, and the climate is considered ideal from a winter resort standpoint. Summer temperatures are quite high.

2. As to applications regularly filed prior to 11:00 a. m., May 26, 1952, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 5 acres, each be-

ing approximately 330 by 660 feet, the longer dimension to extend north and south.

6. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 5.

7. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 5.

8. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $150.00 per tract, application for which may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

9. Tracts will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 52-6605; Filed, June 17, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

HUGO SALES COMMISSION COMPANY, HUGO, OKLA.

DEPOSTING OF STOCKYARD

It has been ascertained that the Hugo Sales Commission Company, Hugo, Oklahoma, originally posted on November 30, 1949, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it no longer meets the area requirements. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not depositing promptly a stockyard which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 12th day of June 1952.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 52-6617; Filed, June 17, 1952; 8:47 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 15, Docket No. 17]

N. G. SLATER CORP. ET AL.

SUSPENSION ORDER

A hearing having been held in the above entitled matter on the 2d day of June 1952, before Philip E. Hoffman, Esquire, a Hearing Commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799), dated August 30, 1951; and

The respondents, N. G. Slater Corporation, and Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater as officers and individually, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings; and the National Production Authority being represented by William E. Kennedy, Assistant Regional Counsel, and the respondents being represented by their attorney, Sidney N. Gitelman; and

The respondents, by their attorney, having entered into a stipulation, dated May 22, 1952, wherein they admitted that they did commit each of the acts charged by the statement of charges filed herein by the General Counsel, dated April 25, 1952; and

The respondents having fully stipulated that the said stipulation be filed in lieu of the presentation of other evidence in support of, and in opposition to, the statement of charges, the following findings of fact as stipulated by the parties hereto are found:

Findings of fact. 1. On October 26, 1950, December 6, 1950, December 26, 1950, January 9, 1951, February 26, 1951, April 17, 1951, and May 15, 1951, the respondents, N. G. Slater Corporation, and Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater as officers and individually, committed acts prohibited by National Production Authority Regulation 2, section 11.4 (b) dated October 3, 1950 (15 F. R. 6632), as amended October 12, 1950 (15 F. R. 6911), November 16, 1950 (15 F. R. 7875), and January 11, 1951 (16 F. R. 352), to wit: Respondents applied DO ratings to the purchase of 200,000 pounds of primary polyethylene which was 159,000 pounds more of said material than said respondents were authorized to rate.

2. Respondents, N. G. Slater Corporation, and Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater as officers and individually, committed acts prohibited by National Production Authority Regulation 2, section 11.17 (a) dated October 3, 1950 (15 F. R. 6632), as amended October 12, 1950 (15 F. R. 6911), November 16, 1950 (15 F. R. 7875), January 11, 1951 (16 F. R. 352), and February 27, 1951 (16 F. R. 1951), to wit:

(a) On or about June 1, 1951, respondents used and disposed of 10,000 pounds of prime polyethylene obtained by the application of DO ratings for a purpose other than that for which the rating assistance was given.

(b) Between December 5, 1950, and July 31, 1951, respondents used and disposed of 100,000 pounds of prime polyethylene obtained by the application of DO ratings for a purpose other than that for which the rating assistance was given.

Conclusions. 1. During the period October 26, 1950, to May 15, 1951, the respondents, N. G. Slater Corporation, and Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater as officers and individually, violated the provisions of National Production Authority regulations, orders, and directives as hereinbefore cited, as follows:

The application of DO ratings to the purchase of 200,000 pounds of primary polyethylene which was 159,000 pounds more of said material than said respondents were authorized to rate.

2. On or about June 1, 1951, and during the period December 5, 1950, and May 15, 1951, the respondents, N. G. Slater Corporation, and Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater as officers and individually, violated the provisions of National Production Authority regulations, orders, and directives as hereinbefore cited as follows:

The use and disposal of 110,000 pounds of primary polyethylene obtained by the application of DO ratings for a purpose other than that for which the rating assistance was given.

In order to correct the unauthorized use of primary polyethylene occasioned by the violations found herein, and in order to prevent future violations of the National Production Authority's regulations, orders, and directives by these respondents,

It is accordingly ordered:

1. That all priority assistance be withdrawn and withheld from N. G. Slater Corporation, its successors and assigns, Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater, for a period of six (6) months commencing June 6, 1952.

2. That all allocations and allotments of material be withdrawn and withheld from N. G. Slater Corporation, its successors and assigns, Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater, for a period of six (6) months commencing June 6, 1952.

3. That the acquisition and use of primary polyethylene be prohibited to N. G. Slater Corporation, its successors and assigns, Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater for the duration of the Defense Production Act of 1950, its amendment or extension.

4. That the acquisition, use, and disposal of controlled materials and materials under control be prohibited to N. G. Slater Corporation, its successors and assigns, Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater for a period of three (3) months commencing June 6, 1952.

Issued this 6th day of June 1952.

THE NATIONAL PRODUCTION AUTHORITY,
By PHILIP E. HOFFMAN,
Hearing Commissioner.

[F. R. Doc. 52-6741; Filed, June 17, 1952; 11:17 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 111]

LEA COUNTY, NEW MEXICO; CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong.; Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Pub. Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950 and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated May 14, 1952, that the Lea County, New Mexico, area (this area consists of Lea County, New Mexico) is a critical defense housing area, and in view of the defense housing program announced for the said area on June 6, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Lea County, New Mexico, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROSS S. SHEARER,
Acting Administrator.

JUNE 11, 1952.

[F. R. Doc. 52-6608; Filed, June 17, 1952; 8:46 a. m.]

Office of Price Stabilization

[Region I, Redelegation of Authority 42]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, pursuant to Delegation of Authority No. 68 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I, to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b), and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect as of May 31, 1952.

JOSEPH M. MCDONOUGH,
Director of Regional Office No. I.

JUNE 13, 1952.

[F. R. Doc. 52-6657; Filed, June 13, 1952; 4:48 p. m.]

[Region II, Redelegation of Authority 1, Amdt. 1 to Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39C OF CPR 7 AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 5, Revision 1, Amendment 1 (17 F. R. 4961), this Amendment 1 to Redelegation of Authority 1, Revision 1, is hereby issued.

Paragraph 1 of Redelegation of Authority 1, Revision 1, is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse, and Albany, New York; and the Newark and Trenton, New Jersey, District Offices of Price Stabilization to act under sections 39a, 39b, 39c, 39d, 39e, 39f and 39g of Ceiling Price Regulation 7, as amended.

This redelegation of authority shall take effect on June 14, 1592.

JAMES G. LYONS,
Director of Regional Office No. II.

JUNE 13, 1952.

[F. R. Doc. 52-6658; Filed, June 13, 1952; 4:48 p. m.]

[Region II, Redelegation of Authority 16, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED; AUTHORITY TO ACT UNDER SECTION 4 (d)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 38, Amendment 2 (17 F. R. 5045), this Amendment 2 to Redelegation of Authority No. 16 is hereby issued.

Redelegation of Authority No. 16 is amended to include a new paragraph 3 to read as follows:

3. Authority to act under section 4 (d) of CPR 101, as amended. Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse, and Albany, New York; and the Newark and Trenton, New Jersey District Offices of Price Stabilization to act under section 4 (d) of CPR 101, as amended.

This redelegation of authority shall take effect on June 14, 1952.

JAMES G. LYONS,
Director of Regional Office No. II.

JUNE 13, 1952.

[F. R. Doc. 52-6659; Filed, June 13, 1952; 4:48 p. m.]

[Region II, Redelegation of Authority 38]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 68 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse, and Albany, New York; and the Newark and Trenton, New Jersey, District Offices of Price Stabilization to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b) and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect on June 14, 1952.

JAMES G. LYONS,
Director of Regional Office No. II.

JUNE 13, 1952.

[F. R. Doc. 52-6660; Filed, June 13, 1952; 4:48 p. m.]

[Region III, Redelegation of Authority 1, Amdt. 1 to Revision 2]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39C OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority 5, Revision 1, Amendment 1 (17 F. R. 4961), this amendment to Redelegation of Authority No. 1, Revision 2, is hereby issued.

Paragraph 1 of Redelegation of Authority No. 1, Revision 2, is amended to read as follows:

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to act under sections 39a, 39b, 39c, 39d, 39e, 39f and 39g of Ceiling Price Regulation 7, as amended.

This amendment shall take effect as of June 10, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

JUNE 13, 1952.

[F. R. Doc. 52-6661; Filed, June 13, 1952; 4:48 p. m.]

[Region IV, Redelegation of Authority 1, Amdt. 1 to Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39C OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 5, Revision 1, as amended (17 F. R. 98, 4961), this Amendment 1 to Region IV Redelegation of Authority No. 1, Revision 1 (17 F. R. 1197) is hereby issued.

Paragraph 1 of Region IV Redelegation of Authority No. 1, Revision 1, is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to act under sections 39a, 39b, 39c, 39d, 39e, 39f, and 39g of Ceiling Price Regulation 7, as amended.

This Amendment 1 to Redelegation of Authority No. 1, Revision 1, shall take effect on June 30, 1952.

W. F. BAILEY,
Director of Regional Office No. IV.

JUNE 13, 1952.

[F. R. Doc. 52-6662; Filed, June 13, 1952; 4:48 p. m.]

[Region IV, Redelegation of Authority 37]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 68 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A, (c), 49B (a), 49B (b), and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect on June 30, 1952.

W. F. BAILEY,
Director of Regional Office No. IV.

JUNE 13, 1952.

[F. R. Doc. 52-6663; Filed, June 13, 1952; 4:48 p. m.]

[Region V, Redelegation of Authority 22, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39C OF CPR 7, AS AMENDED

By virtue of the authority vested in the Director of the Regional Office of the Office of Price Stabilization, Region V, pursuant to Delegation of Authority 5, Revision 1, Amendment 1 (17 F. R. 4961), this amendment to Redelegation of Authority No. 22 is hereby issued.

Paragraph 1 of Redelegation of Authority No. 22 is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the district offices of the Office of Price Stabilization, Region V, to act under sections 39a, 39b, 39c, 39d, 39e, 39f, and 39g of Ceiling Price Regulation 7, as amended.

This amendment shall take effect as of June 9, 1952.

CHARLES B. CLEMENT,
Acting Director of Regional Office, No. V.

JUNE 13, 1952.

[F. R. Doc. 52-6664; Filed, June 13, 1952; 4:49 p. m.]

[Region V, Redelegation of Authority 36]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 6 OF CPR 31

By virtue of the authority vested in the Director of the Regional Office of the Office of Price Stabilization, Region V, pursuant to Delegation of Authority 66 (17 F. R. 4193), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors of the Office of Price Stabilization, Region V, to receive and examine reports filed under the provisions of section 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 6 of Ceiling Price Regulation 31.

This redelegation of authority shall take effect as of June 9, 1952.

CHARLES B. CLEMENT,
Acting Director of Regional Office No. V.

JUNE 13, 1952.

[F. R. Doc. 52-6665; Filed, June 13, 1952; 4:49 p. m.]

[Region V, Redelegation of Authority 37]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Acting Director of the Regional Office of the Office of Price Stabilization, Region V, pursuant to Delegation of Authority 68 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors of the Office of Price Stabilization, Region V, to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b), and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect as of June 9, 1952.

CHARLES B. CLEMENT,
Acting Director of Regional Office No. V.

JUNE 13, 1952.

[F. R. Doc. 52-6666; Filed, June 13, 1952; 4:49 p. m.]

[Region VII, Redelegation of Authority 25, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED; AUTHORITY TO ACT UNDER SECTION 4 (d)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 38, Amendment 2 (17 F. R. 5045), this Amendment 1 to Redelegation of Authority No. 25 (17 F. R. 1241), is hereby issued.

Redelegation of Authority 25 is amended by inserting a new paragraph 3 to read as follows:

3. *Authority to act under section 4 (d) of CPR 101, as amended.* Authority is hereby redelegated to the Directors of the Chicago, Indianapolis, Green Bay, Milwaukee, Peoria, and Springfield District offices of Price Stabilization to act under section 4 (d) of CPR 101, as amended.

This Amendment 1 to Redelegation of Authority No. 25 shall take effect on June 14, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

JUNE 13, 1952.

[F. R. Doc. 52-6667; Filed, June 13, 1952; 4:49 p. m.]

[Region VII, Redelegation of Authority 37]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 68 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Chicago, Indianapolis, Green Bay, Milwaukee, Peoria, and Springfield District Offices of Price Stabilization to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b), and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect on June 14, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

JUNE 13, 1952.

[F. R. Doc. 52-6668; Filed, June 13, 1952; 4:49 p. m.]

[Region VIII, Redelegation of Authority 1, Amdt. 1 to Revision]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39c OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 5, Amendment 1 to Revision 1, dated May 29, 1952 (17 F. R. 4961), this Amendment 1 to Region VIII, Redelegation of Authority No. 1, Revised (17 F. R. 457) is hereby issued.

Paragraph 1 of Region VIII Redelegation of Authority No. 1, Revised, is amended to read as follows:

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to act under sections 39a, 39b, 39c, 39d, 39e, 39f, and 39g of Ceiling Price Regulation 7, as amended.

This amendment shall take effect as of June 3, 1952.

JOSEPH ROBBIE, Jr.,
Regional Director, Region VIII.

JUNE 13, 1952.

[F. R. Doc. 52-6669; Filed, June 13, 1952; 4:49 p. m.]

[Region VIII, Redelegation of Authority 15, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED; AUTHORITY TO ACT UNDER SECTION 4 (d)

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Amendment 2 to Delegation of Authority 38, dated June 3, 1952 (17 F. R. 5045), this Amendment 2 to Redelegation of Authority No. 15 (17 F. R. 262) is hereby issued.

Redelegation of Authority No. 15 is amended by adding a new paragraph 3 to read as follows:

3. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to act under section 4 (d) of CPR 101, as amended.

This Amendment 2 to Redelegation of Authority No. 15 shall take effect as of June 4, 1952.

LOUIS G. DENAYER,
Acting Regional Director, Region VIII.

JUNE 13, 1952.

[F. R. Doc. 52-6670; Filed, June 13, 1952; 4:49 p. m.]

[Region VIII, Redelegation of Authority 37]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 68, dated May 29, 1952 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b), and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect as of June 2, 1952.

JOSEPH ROBBIE, Jr.,
Regional Director, Region VIII.

JUNE 13, 1952.

[F. R. Doc. 52-6671; Filed, June 13, 1952; 4:50 p. m.]

[Region X, Redelegation of Authority 1, Amdt. 1 to Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39c OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 5, Revision 1, Amendment 1 (17 F. R. 4961), this Amendment 1 to Region X Redelegation of Authority No. 1, Revision 1, is hereby issued.

Region X Redelegation of Authority No. 1, Revision 1, is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to act under sections 39a, 39b, 39c, 39d, 39e, 39f and 39g of Ceiling Price Regulation 7, as amended.

This redelegation of authority shall take effect on June 13, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

JUNE 13, 1952.

[F. R. Doc. 52-6672; Filed, June 13, 1952; 4:50 p. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6425]

KANSAS GAS AND ELECTRIC CO.

NOTICE OF ORDER SUPPLEMENTING ORDER AUTHORIZING ISSUANCE OF SECURITIES

JUNE 12, 1952.

Notice is hereby given that on June 11, 1952, the Federal Power Commission issued its order entered June 10, 1952, supplementing order (17 F. R. 5202) authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6635; Filed, June 17, 1952; 8:50 a. m.]

[Docket Nos. G-1281, G-1454, G-1490, G-1505, G-1510, G-1524, G-1653, G-1739, G-1755, G-1797, G-1822, G-1932]

MISSISSIPPI RIVER FUEL CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JUNE 10, 1952.

In the matter of Mississippi River Fuel Corporation, Docket Nos. G-1281, G-1454, G-1490, G-1505, G-1510, G-1524, G-1653, G-1755, and G-1932; St. Charles Gas Corp., Docket No. G-1739; Arkansas Louisiana Gas Company, Docket No. G-1797; Interstate Natural Gas Company, Inc., and Hope Producing Company, Docket No. G-1822.

On March 25, 1952, the Commission entered an order in the above-entitled proceedings, exclusive of the proceeding involving the application filed on April 4, 1952, by Mississippi River Fuel Corporation (Mississippi) in Docket No. G-1932, that consolidated the proceedings for purpose of hearing, and that provided that a public hearing be held commencing on May 12, 1952, concerning the matters involved and the issues presented by the applications and other pleadings filed in the proceedings, including but not limited to, as specified in subparagraphs (B) (i), (ii), and (iii) of the order, the matters of: "(i) Mississippi's actual and prospective capacities for the delivery and sale of natural gas, (ii) the need for, if any, change in Mississippi's service rules and regulations, now in effect upon an interim basis, to govern Mississippi's future deliveries and sale of natural gas, and (iii) the character, scope and provisions of any such changes to such service rules and regulations."

In the proceedings consolidated by the aforesaid order dated March 25, 1952, the Commission on May 15, 1952, entered an order denying the motion filed therein by Mississippi on May 5, 1952, requesting that the matters of St. Charles Gas Corp., Docket No. G–1739, and Arkansas Louisiana Gas Company, Docket No. G–1797, and the matters set forth in subparagraphs (B) (i), (ii) and (iii) of the said March 25, 1952, order, be severed and considered separately. Paragraph (B) of the aforesaid May 15, 1952, order provided as follows:

(B) The public hearing provided by the Commission's aforesaid order dated March 25, 1952, herein:

(i) Shall proceed forthwith to conclusion upon all matters involved in the above-entitled consolidated proceedings with the exception of the matters involving the applications of St. Charles Gas Corp. in Docket No. G–1739 and Arkansas Louisiana Gas Company in Docket No. G–1797, and with the exception of those matters specified in paragraph (B) (i), (ii), and (iii) of the aforesaid order dated March 25, 1952; and

(ii) Shall thereupon be postponed, subject to further order of the Commission, with respect to the excepted matters specified in the next preceding subparagraph hereof.

Pursuant to the said May 15, 1952, order, the hearing upon the excepted matters specified in paragraph (B) (i) of the order has been postponed; the hearing upon the other matters was concluded on May 15, 1952.

On April 4, 1952, in Docket No. G–1932, Mississippi filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the abandonment, relocation, construction and operation of certain natural gas transmission pipeline facilities, as described in said application now on file with the Commission and open for public inspection. Public notice of the filing of this application has been given, including publication in the FEDERAL REGISTER on May 1, 1952 (17 F. R. 3863). The proposed abandonment, relocation, construction and operation of the facilities applied for, according to the application, will have the effect of increasing Mississippi's "rated daily sales capacity" to 450,000 Mcf per day. Mississippi has requested that its application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)). Petitions to intervene have been filed in the proceeding in Docket No. G–1932. Additionally, the applicants in Docket Nos. G–1739 and G–1797 have requested that hearings upon their applications be held with or at the same time that a hearing is held upon Mississippi's application in Docket No. G–1932. In the circumstances the proceeding in Docket No. G–1932 does not appear to be a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission finds: It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists to consolidate for purpose of hearing the proceeding in Docket No. G–1932 with the proceedings heretofore consolidated for purpose of hearing in Docket Nos. G–1281, G–1454, G–1490, G–1505, G–1510, G–1524, G–1653, G–1739, G–1755, G–1797, and G–1822, as hereinafter provided and ordered.

The Commission orders:

(A) The proceeding in Docket No. G–1932 be and the same is hereby consolidated for purpose of hearing with the proceedings heretofore consolidated for such purpose in Docket Nos. G–1281, G–1454, G–1490, G–1505, G–1510, G–1524, G–1653, G–1739, G–1755, G–1797 and G–1822.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 5, 7, 15 and 16 of the Natural Gas Act, as amended, and pursuant to the Commission's rules of practice and procedure (18 CFR Part 1), a public hearing be held commencing on July 14, 1952, at 10 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning:

(i) The matters involved and the issues presented by the application and other pleadings filed In the Matter of Mississippi River Fuel Corporation, Docket No. G–1932;

(ii) The matters involved and the issues presented by the application and other pleadings filed In the Matter of St. Charles Gas Corp., Docket No. G–1739;

(iii) The matters involved and issues presented by the application and other pleadings filed In the Matter of Arkansas Louisiana Gas Company, Docket No. G–1797; and

(iv) The matters involved and issues related to Mississippi's actual and prospective capacities for delivery and sales of natural gas; the need, if any, for change in Mississippi's service rules and regulations, currently in effect upon an interim basis, to govern Mississippi's future deliveries and sales of natural gas; and the character, scope and provisions of any such changes to such service rules and regulations.

(C) The transcript of record in the proceedings held in Docket Nos. G–1281, G–1454, G–1490, G–1505, G–1510, G–1524, G–1653, G–1739, G–1755, G–1797, and G–1822, be and the same is hereby made a part of the record in the proceedings hereby consolidated for purposes of hearing: *Provided, however*, That this action shall be without prejudice to the issuance by the Commission of such order or orders in the proceedings as may from time to time appear to be appropriate and justified by the facts appearing of record.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: June 12, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–6621; Filed, June 17, 1952; 8:49 a. m.]

[Docket Nos. G–1382, G–1533, G–1607]

NORTHERN NATURAL GAS CO.

NOTICE OF OPINION AND ORDER

JUNE 12, 1952.

Notice is hereby given that on June 11, 1952, the Federal Power Commission issued its opinion and order entered June 10, 1952, prescribing rates in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–6636; Filed, June 17, 1952; 8:51 a. m.]

[Docket No. G–1845]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER

JUNE 12, 1952.

Notice is hereby given that on June 11, 1952, the Federal Power Commission issued its order entered June 10, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–6637; Filed, June 17, 1952; 8:51 a. m.]

[Docket No. G–1968]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JUNE 12, 1952.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, with its principal place of business in Oklahoma City, Oklahoma, filed on June 2, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 340 hp. compressor station near Atchison, Atchison County, Kansas.

Applicant proposes to utilize said facilities to provide sufficient gas at sufficient pressures to meet firm demands on its Atchison-Falls City system.

The estimated total over-all capital cost of the proposed facilities is $100,000 which Applicant proposes to pay for out of treasury funds or if necessary from available bank credit.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–6618; Filed, June 17, 1952; 8:48 a. m.]

[Docket No. G-1972]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

JUNE 12, 1952.

Take notice that New York State Natural Gas Corporation (Applicant), a New York corporation with its principal office in New York City, New York, filed on June 4, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a metering and regulating station for the sale of natural gas to New York State Electric and Gas Corporation (New York State) at a point of connection on Applicant's transmission pipeline in the Village of DeRuyter, Madison County, New York.

Applicant proposes to sell and deliver natural gas to New York State for resale to domestic consumers in Oneonta and Norwich Districts in volumes not exceeding 400,000 Mcf annually and 4,000 Mcf on peak days in the fifth year of operation. New York State proposes to construct and operate approximately 48 miles of 10-inch and 8-inch pipeline extending from Oneonta and Norwich to Applicant's proposed metering and regulating station at DeRuyter, New York.

The estimated over-all capital cost of the proposed facilities is $35,920, which Applicant proposes to pay out of its general funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6619; Filed, June 17, 1952; 8:48 a. m.]

[Project No. 1751]

PACKWOOD ELECTRIC CO.

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

JUNE 12, 1952.

Notice is hereby given that on March 25, 1952, the Federal Power Commission issued its order entered March 20, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6638; Filed, June 17, 1952; 8:51 a. m.]

[Project No. 2102]

WARRIOR RIVER ELECTRIC CO-OPERATIVE ASSOCIATION

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JUNE 12, 1952.

Public notice is hereby given that Warrior River Electric Co-operative Association, of Oneonta, Alabama, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed water-power Project No. 2102 to be located on Locust Fork of Black Warrior River in Blount County, Alabama, and consisting of two developments: One would include a concrete dam about 170 feet high above stream bed and 2500 feet long over-all including earth embankments located at approximately mile 475 above the mouth of the Black Warrior River, with adequate spillways and control gates, penstocks, and a powerhouse containing two generating units each having a capacity of 17,800 kilowatts; the other would include an earth dam about 2,400 feet long and about 140 feet high above the stream bed located at approximately mile 502 above the mouth of the Black Warrior River, with adequate concrete spillways and control gates, penstocks, and a powerhouse containing two generating units each having a capacity of 5,700 kilowatts. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before July 17, 1952, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6620; Filed, June 17, 1952; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA No. 56]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

JUNE 17, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139 (82d) Cong., 1st sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Portsmouth, New Hampshire-Kittery, Maine Area. (The area consists of Strafford County; the Towns of Brookfield and Wakefield in Carroll County; the Town of Alton in Belknap County; the City of Portsmouth and the Towns of Atkinson, Brentwood, Danville, Deerfield, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Northwood, Nottingham, Plaistow, Raymond, Rye, Sandown, Seabrook, South Hampton and Stratham, in Rockingham County, all in New Hampshire; and the Towns of Berwick, Eliot, Kittery, North Berwick, South Berwick and York in York County, Maine.)

Williston, North Dakota, Area. (The area consists of Williams County and that part of McKenzie County North of the South line of Township 150, all in North Dakota.)

Reedsport, Oregon, Area. (The area consists of the Precincts of Gardiner, Wade's Flat, Winchester Bay, East Reedsport and West Reedsport, including the City of Reedsport, all in Douglas County, Oregon.)

Ramey Air Force Base, Aguadilla, Puerto Rico, Area. (The area consists of the Municipalities of Aguadilla and Isabela in the northwest corner of the Island of Puerto Rico.)

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-6738; Filed, June 17, 1952; 10:21 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1429]

GENERAL DYNAMICS CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of June A. D. 1952.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $3 Par Value, of General Dynamics Corporation, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to June 26, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6611; Filed, June 17, 1952; 8:46 a. m.]

[File No. 70-1656]

WISCONSIN RIVER POWER CO. ET AL.

SUPPLEMENTAL ORDER AUTHORIZING MODIFICATION OF STOCK PURCHASE AGREEMENT

JUNE 12, 1952.

In the matter of Wisconsin River Power Company, Wisconsin Public Service Corporation, Wisconsin Power and Light Company; File No. 70-1656.

The Commission by order dated January 29, 1948, having granted and permitted to become effective a joint application-declaration filed by Wisconsin River Power Company ("River"), then a newly organized corporation; Wisconsin Public Service Corporation, a public utility subsidiary of Standard Power and Light Corporation and Standard Gas and Electric Company, both registered holding companies; and Wisconsin Power and Light Company, then a public utility subsidiary of The Middle West Corporation and North West Utilities Company, also registered holding companies, pursuant to the applicable provisions of the act, regarding, inter alia, the issuance and sale by River of its common stock and the acquisition thereof by Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and an unaffiliated non-utility company in accordance with the terms of a stock purchase agreement; said stock purchase agreement having provided in substance that the acquiring companies would purchase in approximately equal shares sufficient stock of River to provide all the completed cost of certain hydroelectric plants to be constructed by River which was not provided by the proceeds of the issuance by River of its First Mortgage Bonds; and

Applicants-declarants having filed, pursuant to Rule U-24, a post-effective amendment proposing certain modifications of the stock purchase agreement which will, in effect, permit the use of River's retained earnings in lieu of the sale of additional stock in the event that the completed cost of the project may exceed the proceeds of River's presently outstanding securities, namely $10,000,000 of First Mortgage Bonds and $9,360,000 par value common stock; and

The Commission having examined said post-effective amendment and finding with respect to said application-declaration, as further amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as further amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-24 and the applicable provisions of the act, that said joint application-declaration, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-6612; Filed, June 17, 1952; 8:46 a. m.]

[File No. 70-2804]

CENTRAL PUBLIC UTILITY CORP. AND CONSOLIDATED ELECTRIC AND GAS CO.

ORDER GRANTING JOINT APPLICATION CONCERNED WITH INDIRECT ACQUISITION BY PARENT HOLDING COMPANIES OF SECURITIES OF NON-AFFILIATED BUS CO.

JUNE 12, 1952.

Central Public Utility Corporation ("Central Public"), a registered holding company, and its direct and wholly owned subsidiary, Consolidated Electric and Gas Company ("Consolidated"), also a registered holding company, having filed with this Commission a joint application and amendments thereto, with respect to certain transactions which are summarized below:

Consolidated owns, among other things, all the capital stock of Carolina Coach Company ("Carolina"), a Virginia corporation engaged in motor bus transportation in the States of North Carolina and Virginia. Carolina proposes to purchase 8,215 shares, the entire issue, of common stock, $10 per share per value, of Red Star Motor Coaches, Inc. ("Red Star"), a motor bus transportation company serving Philadelphia, Pennsylvania; Wilmington, Delaware; Baltimore and Annapolis, Maryland; and Norfolk, Virginia. Red Star has a wholly owned subsidiary, Eastern Shore Transit Company, Incorporated ("Eastern Shore"), a bus transportation company serving the eastern shore of Maryland and Virginia.

The total purchase price for the common stock of Red Star, which is the only capital stock of the company, is to be $325,000. To assist it in financing this purchase, Carolina proposes to incur a bank loan of $250,000. This indebtedness is to be evidenced by an unsecured note or notes, payable in semi-annual installments over a period of five years, and bearing interest at a rate not to exceed 4 percent a year on the unpaid balance. Subsequent to the acquisition by Carolina of the capital stock of Red Star, it is proposed that Red Star and Eastern Shore be merged into Carolina.

It is represented that the above described transactions are subject, in whole or in part, to the jurisdiction of the State Corporation Commission of Virginia, the Public Service Commission of Maryland, the Public Service Commission of Delaware, the Pennsylvania Public Utility Commission, and the Interstate Commerce Commission. Applicants urge that because of Rule U-8, promulgated under the act, the only transactions subject to the jurisdiction of this Commission are the indirect acquisitions of the securities of Red Star and Eastern Shore by Central Public and Consolidated. The amended filing contains an order of the Interstate Commerce Commission, authorizing and directing Carolina to acquire the securities of Red Star, to effectuate the merger of Red Star and Eastern Shore into Carolina, and to borrow not to exceed $250,000 for the purpose of financing these transactions.

The Commission having issued a notice of filing pursuant to Rule U-23 and not having received a request for a hearing thereon within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transactions meet the requirements of the applicable provisions of the act and rules and regulations promulgated thereunder, and that it is appropriate in the public interest and in the interest of investors and consumers that said joint application, as amended, be granted forthwith:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid joint application, as amended, be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-6613; Filed, June 17, 1952; 8:46 a. m.]

[File No. 70-2870]

GULF POWER CO.

ORDER PERMITTING SUBMISSION OF BONDS TO COMPETITIVE BIDDING

JUNE 12, 1952.

Gulf Power Co. ("Gulf"), a public utility subsidiary of The Southern Company, a registered holding company, has filed an application-declaration, with amendments thereto, pursuant to sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder with respect to the following proposed transactions:

Gulf proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $7,000,000 principal amount of Firt Mortgage Bonds __ Percent Series due 1982, to be issued under and secured by Gulf's present Indenture, dated as of September 1, 1941, as last supplemented on April 1, 1949, and to be further supplemented by a Supplemental Indenture to be dated as of July 1, 1952. The interest rate and the price to the company for the bonds will be determined by the competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102¾ percent of the principal amount. The company proposes to use the proceeds from the sale of these new bonds to provide a portion of the funds required for improvements, extensions and additions to the company's property.

The filing states that the issuance and sale of the proposed new bonds have been approved by The Florida Railroad and Public Utilities Commission. Gulf requests that any order of this Commission granting the application-declaration, as amended, shall become effective forthwith upon issuance.

Due notice having been given of the filing of the application-declaration, as amended, and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of

investors and consumers that said application-declaration, as amended, be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the sme hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record herein and a further order shall have been entered with respect thereto, which order shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses incurred in connection with the proposed transactions.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-6614; Filed, June 17, 1952; 8:46 a. m.]

[File No. 70-2884]

SOUTHERN NATURAL GAS CO. AND MISSISSIPPI GAS CO.

NOTICE OF FILING BY A PUBLIC UTILITY COMPANY REGARDING THE SALE OF ITS UTILITY AND OTHER ASSETS

JUNE 12, 1952.

Notice is hereby given that Southern Natural Gas Company ("Southern"), a registered holding company, and its public-utility company subsidiary, Mississippi Gas Company ("Mississippi"), have filed, pursuant to the Public Utility Holding Company Act of 1935 ("act"), a joint declaration in respect of a proposal by Mississippi to sell its utility and other assets, and to liquidate and dissolve. Declarants designate Subdivisions (d), (c) and (f) of section 12 of the act and Rules U-42, U-43 and U-44 promulgated thereunder as applicable to the proposed transactions.

Notice is hereby further given that any interested person may, not later than June 26, 1952 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held in respect of the matters proposed in said declaration, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing in respect of such matters. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 26, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt the proposed transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to the declaration on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Pursuant to a contract dated May 26, 1952, Mississippi proposes, subject to approval by the Commission, to sell all of its property and assets, including certain leasehold interests, gas supply and other contract rights, but excluding cash, to Mississippi Valley Gas Company ("Valley"), a non-affiliate, for the sum of $3,320,981, plus or minus the amount of certain adjustments as at the closing date, and the assumption by Valley of certain tax liabilities, customer deposits, advances and contributions, and lease and contract obligations, of Mississippi relating to the property being sold.

Upon consummation of the proposed sale of assets, Mississippi proposes to pay its indebtedness, including outstanding bank debt, to distribute the remaining cash to its parent, Southern, in exchange for the surrender by Southern for cancellation of all of Mississippi's outstanding common stock, and to dissolve. It is stated that the sale price was determined by arm's length bargaining and is the only offer obtained after extended effort to procure a purchaser for the property. It is also stated that no fees, commissions, or other remuneration is to be paid by Southern or Mississippi in connection with the sale of said property, except legal fees and incidental expenses estimated at $2,000.

The declaration states that no state commission has jurisdiction over the proposed transactions, but that the Federal Power Commission has jurisdiction over the sale by Mississippi and the acquisition and operation by Valley of certain gas transmission facilities owned and operated by Mississippi, and that the requisite approval of that Commission will be obtained prior to the closing date.

Declarants request that the Commission enter an order, to become effective upon its issuance, permitting the declaration to become effective.

It is ordered, That a copy of this notice be mailed, by registered mail with return receipt requested, to applicants, Federal Power Commission, North Central Natural Gas District, Calhoun City, Mississippi, and to the mayors of the following cities: Amory, Aberdeen, Brookville, Columbus, Louisville, Macon, Meridian, Nettleton, Okolona, Starkville, Tupelo, and West Point, Mississippi.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6610; Filed, June 17, 1952; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ZOLTON GLUCK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Zolton Gluck, Herzlia, State of Israel; Claim No. 37563; $4,673.78 in the Treasury of the United States.

Rosa (Gluck) Fedor, Abu Kabir "B" 383/3, State of Israel; Claim No. 37563; $4,673.78 in the Treasury of the United States.

Edith (Egri) Schwarcz, Caracas, Venezuela; Claim No. 37563; $4,673.78 in the Treasury of the United States.

Executed at Washington, D. C., on June 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6640; Filed, June 17, 1952; 8:52 a. m.]

ZOLTAN FARKAS AND MRS. MALVINA (FARKAS) STERN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Zoltan Farkas, No. 1 Bank Street, New York 14, N. Y.; Claim No. 37564; $2,804.27 in the Treasury of the United States.

Mrs. Malvina (Farkas) Stern, Herzliya, (Bet Olim), State of Israel; Claim No. 37564; $2,804.27 in the Treasury of the United States.

Executed at Washington, D. C., on June 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6641; Filed, June 17, 1952; 8:52 a. m.]

THEODOR LOWENBERG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Theodor Lowenberg, London N. W. 8, England; Claim No. 34120; property described in Vesting Order No. 8333 (12 F. R. 2097, March 29, 1947) relating to an undivided one-half interest in and to United States Letters Patent Nos. 2,143,230 and 2,213,720.

Executed at Washington, D. C., on June 12, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6642; Filed, June 17, 1952; 8:52 a. m.]

JOSEF AND WENZEL HEJDUK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Josef Hejduk, Vienna, Austria; Claim No. 41133; $709.90 in the Treasury of the United States.

Wenzel Hejduk, Vienna, Austria; Claim No. 41134; $1,419.81 in the Treasury of the United States.

Executed at Washington, D. C., on June 12, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6643; Filed, June 17, 1952; 8:53 a. m.]

MAX MICHEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Max Michel, Brisbane, Queensland, Australia; Claim No. 11869; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to the United States Letters Patent No. 1,953,249.

Executed at Washington, D. C., on June 12, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6644; Filed, June 17, 1952; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27150]

BLACKSTRAP MOLASSES AND RELATED ARTICLES FROM NEW ORLEANS, LA., AND POINTS TAKING SAME RATES TO MCKENZIE, TENN.

APPLICATION FOR RELIEF

JUNE 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 395.

Commodities involved: Blackstrap molasses, distillery molasses residuum, and citrus pomace final syrup, carloads.

From: New Orleans, La., and points taking same rates.

To: McKenzie, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 395, Supp. 77.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6628; Filed, June 17, 1952; 8:50 a. m.]

[4th Sec. Application 27151]

SAND FROM MUSKEGON AND MUSKEGON HEIGHTS, MICH., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

JUNE 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent L. C. Schuldt's tariff I. C. C. No. 4367, pursuant to fourth-section order No. 16101.

Commodities involved: Sand, carloads.

From: Muskegon and Muskegon Heights, Mich.

To: Memphis, Tenn.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6629; Filed, June 17, 1952; 8:50 a. m.]

[4th Sec. Application 27152]

PHOSPHATE ROCK FROM FLORIDA TO THE SOUTHWEST

APPLICATION FOR RELIEF

JUNE 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to the schedules listed below.

Commodities involved: Phosphate rock, carloads.

From: Points in Florida.

To: St. Louis, Mo., East St. Louis, Ill., and points in southwestern territory.

Grounds for relief: Circuity, rail competition, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: ACL RR. tariff I. C. C. No. B-3232, Supp. 61; SAL RR. tariff I. C. C. No. A-8153, Supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6630; Filed, June 17, 1952; 8:50 a. m.]